

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4266 OF 2021

Sanjay R. Muttadkar
V/s.

...Applicant

State of Maharashtra

...Respondent.

Mr. Kedar J. Patil a/w. Mr. Jitesh Mundhwa, Ms Gargi Joshi, Ms Sakshi Kadam and Mr. Pratik for the Applicant.
Mr. P.H. Gaikwad Patil, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 05.04.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure, 1973 (Cr.P.C.) for grant of bail.
2. The applicant came to be arrested in Crime No.487 of 2018 registered at Shahupuri Police Station, Kolhapur for the offences punishable under Sections 395 of the Indian Penal Code and Sections 3(1)(ii), 3(2), 3(4), 3(5) of the Maharashtra Control of Organized Crimes Act.
3. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.
4. According to prosecution, on the date of alleged incident which took place on 7 August 2018, the present applicant and other co-accused created ruckus in Sunrise Hotel, assaulted the complainant and took away Rs.1200/- from the cash counter of the said hotel. During the course of investigation, it was found that

the alleged crime was committed by the organised syndicate formed by co-accused Davendra alias Debya Waghmare.

5. I have perused the charge-sheet. After three months of the lodging of the report some of the eye-witnesses have stated that the present applicant was present at the time of alleged incident.

6. The learned APP submits that the applicant is involved in three more crimes. However, considering the overall facts and circumstances and as the applicant is in jail for more than 4 years, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 487 of 2018 registered at Shahupuri Police Station, Kolhapur for the offences punishable under Sections 395 of the Indian Penal Code and Sections 3(1)(ii), 3(2), 3(4), 3(5) of the Maharashtra Control of Organized Crimes Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall not enter into the limits of Kolhapur city till conclusion of trial, except to attend the dates before the trial court.

D] The applicant shall provide his residential address and his mobile number, if any, to the Shahupuri Police Station.

E] The applicant shall attend the concerned police station within whose jurisdiction he is going to reside after his release once in a month, i.e., on first Saturday between 11.00 a.m. to 4.00 p.m. till conclusion of the trial.

[N.R.BORKAR, J.]