

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3721 OF 2022**

Sandeep Govind Walke

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Manoj Mohite, Senior Advocate a/w Mr. D.S. Bhoite a/w Mr. S. R. Phanse and Ms. Ilsa Shaikh for the Applicant.
Ms Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 23 MARCH 2023

P.C. :-

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 338 of 2021 registered at Sangvi Police Station, Pimpri-Chindiwad for the offences punishable under Section 395 of the Indian Penal Code, Sections 3 r/w. 25 of Arms Act, Section 39 of Maharashtra Money Lending Act and Sections 3(1)(II), 3(4) of Maharashtra Control of Organized Crime Act.

3. I have heard the learned Senior Counsel for the applicant, the learned APP for the respondent-State.

4. According to the prosecution, the complainant was running motor garage. He was in need of money to purchase machinery for his garage and thus, he had borrowed Rs.35 lakhs from co-accused Nanasaheb Gaikwad. It is alleged that in October 2019, he was called at the house of co-accused Nanasaheb Gaikwad and from there he was taken to some secluded place, and was threatened as he was not able to pay interest on the amount borrowed by him. It is alleged that 15 days thereafter the said co-accused Nanasaheb Gaikwad came to his garage with about 15 persons and forcibly took away the machines which were there in his garage. During the course of investigation alleged crime was found to be committed by organized crime syndicate formed by co-accused Nanasaheb Gaikwad and other co-accused.

5. It is not the case of the complainant that the present applicant was not known to him. However, there is no reference of the applicant in the FIR. It appears that thereafter the supplementary statement of the complainant was recorded on 24 August 2021. However, again there is no reference of the present applicant in the said supplementary statement. The complainant for the first time in his supplementary statement recorded on 16 March 2022, stated that the applicant was also involved in the alleged crime with the co-accused Nanasaheb Gaikwad.

6. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed:

(i) Application is allowed.

(ii) The applicant shall be released on bail in Crime No. 338 of 2021 registered at Sangvi Police Station, Pimpri-Chindiwad for the offences punishable under Section 395 of the Indian Penal Code, Sections 3 r/w. 25 of Arms Act, Section 39 of Maharashtra Money Lending Act and Sections 3(1)(II), 3(4) of Maharashtra Control of Organized Crime Act on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)