

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4463 OF 2021

Anand B. Wale ...Applicant
V/s.
State of Maharashtra ...Respondent.

Ms Shubhangi Parulekar for the Applicant.
Mrs. Rutuja Ambekar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 01.02.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No. 447 of 2020 registered at Nigdi Police Station, Pimpri-Chinchwad for the offences punishable under Sections 307, 323 and 504 read with 34 of the Indian Penal Code, Section 4 read 25 of Arms Act, Section 37(1)(3) read with 135 of the Maharashtra Police Act and Section 3(1)(ii), 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (MCOC Act).
3. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.
4. According to the prosecution, on 25 November 2020, the present applicant and other co-accused assaulted the complainant by koyta and swords on account of some trivial issue and

attempted to kill him. The offences under the MCOC Act were invoked as the alleged crime was found to be committed by organised crime syndicate formed by co-accused Amol Wale .

5. I have perused the FIR. *Prima facie*, the incident does not appear to be premeditated. Apart from it, no *overt-act* is attributed to the present applicant. The applicant is in jail for about 2 years. There are no other criminal antecedents. According to the prosecution, the applicant is a member of organized crime syndicate formed by Amol Wale. However, *prima facie* there appears to be no material to that effect. Considering these facts, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Application is allowed.

B] The applicant be released on bail in C.R. No.447 of 2020 registered at Nigdi Police Station, Pimpri-Chinchwad for the offences punishable under Sections 307, 323 and 504 read with 34 of the Indian Penal Code, Section 4 read with 25 of Arms Act, Section 37(1)(3) read with 135 of the Maharashtra Police Act and Section 3(1)(ii), 3(4) of MCOC 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 Nigdi Police Station till conclusion of trial, except to attend the dates before the trial Court.

D] The applicant shall provide his residential address where he is going to reside after his release and his mobile number to the concerned officer of Nigdi Police Station.

E] The applicant shall attend the concerned police station, within whose jurisdiction he is going to reside, once in a month i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

[N.R.BORKAR, J.]