



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2997 OF 2023

AKSHAY ANKUSH MANE	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

None for the Applicant.

Mr. N. B. Patil, APP for the State.

Mr. Akash N. Vite, PSI, Khadak Police Station – Pune City.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 26, 2023

P.C. :

1. None for the applicant. Heard learned APP for the State. With the assistance of learned APP, I have perused the paperbook.

2. This is an application for bail in respect of the offence punishable under Sections 364A, 368, 386, 427, 506(2), 323 read with 34 of the Indian Penal Code (IPC) and Sections 7 and 9 of the Criminal Law Amendment Act, registered on 25/06/2017 vide C.R. No.275 of 2017 with Khadak Police Station, Pune.

3. The date of the incident is somewhere in December

2016. It is alleged that the informant's brother was kidnapped by the co-accused Akshay Naik and 2 others for ransom. When the informant's brother went to the house of the co-accused who was known to him, the present applicant was also present along with other accused. The co-accused threatened the informant with a sickle that if the ransom amount of Rs.5,00,000/- is not paid, the informant's brother would be killed. The informant, therefore, handed over a sum of Rs.50,000/-. The informant's brother was released later in the evening. Due to threats and fear of death, the complaint was not lodged with the police. As a result of continuous harassment, the complaint came to be lodged by the informant for the aforesaid offence on 25/06/2017. The applicant was arrested on 13/07/2017.

4. Learned APP while opposing the application submitted that there are as many as 8 criminal antecedents reported against the applicant.

5. *Prima facie*, I find that there is some delay in lodging the FIR. The applicant is in custody for more than 6 years

and 4 months. The trial is likely to take a long time to conclude. The applicant has in respect of another offence faced trial and convicted under the provisions of the Maharashtra Control of Organised Crime Act, 1999 (MCOCA), whereby he was sentenced to suffer imprisonment for 6 years

6. In my opinion, considering the role of the applicant in the present offence, length of incarceration as an undertrial, with no possibility of trial concluding anytime soon and having regard to the facts and circumstances of the present case, the applicant can be enlarged on bail by imposing stringent terms and conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Akshay Ankush Mane in connection with C.R. No. 275 of 2017 registered with Khadak Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.
- (c) Except for the purpose of attending the trial, the applicant shall not enter Pune District, till the conclusion of

the trial.

(d) The applicant shall furnish his residential address and contact details, while residing outside Pune District, to the Investigating Officer and to the trial Court and shall keep them updated, in case there is any change.

(e) The applicant shall report to the nearest police station close to his residence while staying outside Pune District once in a week, every Sunday, between 10.00 a.m. and 12.00 noon.

(f) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

7. The application is disposed of.

8. The learned APP as well as the Registry to communicate this order to the applicant.

(M. S. KARNIK, J.)