

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

CRIMINAL BAIL APPLICATION NO.3085 OF 2022

Ganesh @ Suraj Ashok Wadda

...Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Sudeep Pasbola a/w Mr.Ayush Pasbola, Mr.Sankalp Vichare,
for the Applicant.

Ms.P.N. Dabholkar, APP for the Respondent-State.

CORAM : G.A. SANAP, J.

DATE : 2nd NOVEMBER 2023

P.C:-

. The Applicant who is Accused No.8 in C.R. No.6 of 2021, registered with Chatushrungi Police Station, Pune City for the offences punishable under Sections 395, 384, 427, 506(2) of the Indian Penal Code ('IPC' for short), Section 37(1) r/w 135 of the Bombay Police Act, 1951, Section 4 r/w 25 of the Arms Act, 1959 and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999 ('MCOC' Act) has made this Application for bail.

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2. I have heard learned Advocate for the Applicant and learned APP for the Respondent-State. Perused Record and Proceedings.

3. The learned Advocate for the Accused submitted that, in this case six Accused have been released on bail. Five Accused have been released on bail by the Sessions Court and one Accused by this Court. The learned Advocate took me through the report and submitted that, the role attributed to the Accused No.8 is more or less identical to the role played by the remaining six Accused who have released on bail. The learned Advocate submitted that, therefore, on the ground of parity the Accused cannot be denied bail. The learned Advocate submitted that, there was no injury caused to the informant in the alleged assault. The learned Advocate submitted that, subject to appropriate conditions the Accused may be released on bail.

4. The learned APP submitted that, the ground of the parity cannot be invoked by Accused No.8, inasmuch as his role is totally different from the role played by the Accused who have been released on bail. The learned APP submitted that, at the

instance of the Accused No.8 the sickle was recovered. The learned APP pointed out that, the C.C.TV footage which has recorded the incident is the most important piece of evidence against the Accused persons. The learned APP submitted that, considering the vulnerable position of witnesses, the Accused cannot be released on bail.

5. It is case of the prosecution that, the Accused No.8 is a member of Organized Crime Syndicate of which Accused No.1 Jayesh Lokhande is gang leader. It is stated that, Jayesh Lokhande and the remaining Accused were making the demand of extortion money from the informant. It is stated that, the Accused had threatened the informant that, in the absence of payment of extortion money they would not allow him to run his travel business. On 4th January 2021 the Accused persons came to the seen of the offence and threatened the informant and they broke the vehicles. They robbed the informant of Rs.5,000/-.

6. It is seen that, the informant was not assaulted by the Accused. Accused had come to the seen of the occurrence with the weapons and they caused damage to the vehicles of the

informant. The motive behind the commission of the crime was the failure of the informant to pay the extortion money. It is seen on perusal of the record that, the Test Identification Parade of the Accused was not conducted.

7. The prosecution is relying on the C.C.TV footage where the incident has been recorded. This Court (Coram : N.R. Borkar, J.) has granted bail to the Accused No.6 Sahil Ashok Rajput, whose role is to some extent similar to the role played by the Applicant. It is further seen that, the remaining five co-accused whose role was identical to the role of the present Accused have been granted bail by the Sessions Court. In my view, therefore, the ground of the parity is available to the Accused. No case has been made out to deny parity to the Accused. The charge-sheet has been filed. The charges are yet to be framed. It is pointed out that, the trial may take its own time and therefore, in the backdrop of the above stated facts the further incarceration of the Accused No.8 may not be warranted. In the facts and circumstances, I am of the view, that the Accused has made out a case to enlarge him on bail. As far as, the

apprehension put forth by the learned APP is concerned the same can be taken care of by imposing appropriate conditions. Hence following order.

ORDER

(i) The Applicant-Ganesh @ Suraj Ashok Wadda be released on bail in Crime No.6 of 2021 registered with Chatushrungi Police Station, Pune City for the offences punishable under Sections 395, 384, 427, 506(2) of the Indian Penal Code ('IPC' for short), Section 37(1) r/w 135 of the Bombay Police Act, 1951, Section 4 r/w 25 of the Arms Act, 1959 and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999 on executing PR bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(ii) The Applicant/Accused No.8 shall attend the concerned Police Station once in a month on the first Saturday between 11.00 a.m. and 2.00 p.m. till the conclusion of trial.

- (iii) The Applicant/Accused No.8 shall not tamper with the prosecution evidence.
- (iv) The Applicant/Accused No.8 shall not threaten, induce or pressurize the prosecution witnesses and victim directly or indirectly.
- (v) Application is allowed in the aforesaid terms.

(G.A. SANAP,J.)