



Diksha Rane

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

**BAIL APPLICATION NO.3126/2023**

JINESH ARVIND PATEL

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

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Adv. Vinod Kashid a/w. Adv. Sumit Bhoite for the applicant.  
Ms. Rutuja Ambekar, APP for the State.  
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**CORAM : M. S. KARNIK, J.**

**DATE : DECEMBER 18, 2023.**

**P.C. :**

**1.** Heard learned counsel for the applicant and learned APP for the State.

**2.** This is an application for bail in respect of the offence punishable under Sections 302, 143, 146, 147, 148, 149, 120-B of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 3, 25, 26 of the Arms Act read with Section 37(1), 135 of the Maharashtra Police Act read with Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (hereafter 'MCOCA' for short) registered on 14/2/2017 vide C.R. No.I 61/2017 with Narpoli Bhiwandi Police Station, Thane.

**3.** It is the case of the prosecution that the complainant was working as a driver on the vehicle of the deceased Manoj Mhatre. The deceased Manoj Mhatre was Councilor of Bhiwandi Nijampura Municipal Corporation. There was dispute between the deceased and his cousin brother Prashant Bhaskar Mahtre on the point of election held at Anjurphata area. In the general election, the deceased came to be elected as a Councilor from the Congress Party. Prashant Mhatre was trying to get the ticket to contest the election but he failed to get the same. It is alleged that on the previous occasion as well there was an attempt to kill the deceased Manoj Mhatre. On the date of the incident, that is, on 14/2/2017, the deceased was attacked by firing of gun shots. So also, the accused assaulted the deceased Manoj Mhatre with sickles. The victim Manoj Mhatre succumbed to the injuries. There are in all twenty-one accused. The applicant is accused no.4, is implicated as a conspirator. Four accused are still absconding.

**4.** Learned APP inviting my attention to the affidavit-in-reply as well as other materials on record submitted that the applicant has a major role in the present conspiracy. The

applicant was a bodyguard of the deceased Manoj Mhatre. It is submitted that it is the applicant who provided all the information regarding the movements of the deceased to the accused persons. It is submitted by learned APP that there are call detail records to show that the applicant was in constant touch with the co-accused before and after the incident. Learned APP further submitted that due to gang rival, the witnesses are being threatened. It is submitted that if the applicant is enlarged on bail, the applicant may threaten the victims.

**5.** So far as the commonality of offence between members of the syndicate, is concerned, the present is only offence alleged against the applicant which is common along with the gang-leader and other members of the organized crime syndicate. There is one offence registered against the applicant which is an independent offence and nothing to do with the activities of the organized crime syndicate.

**6.** *Prima facie*, it does not appear that the applicant is a member of the organized crime syndicate. The applicant was arrested on 22/2/2017 and now is in custody for more

than six years and ten months. I am informed that even the charge has not been framed. There are more than 125 witnesses who are likely to be examined. Learned APP submitted that it is not as if that all the witnesses have been examined.

**7.** Taking an overall view of the matter, the trial is likely to take long time to conclude. The investigation is complete. The charge-sheet has been filed. The applicant does not appear to be a flight risk. Considering the long incarceration, the role of the applicant and the fact that the trial is not concluding any time soon, I am inclined to enlarge the applicant on bail by imposing stringent conditions. Hence, the following order :-

**ORDER**

- (a) The application is allowed.
- (b) The applicant- Jinesh Arvind Patel in connection with C.R. No.I 61/2017 registered with Narpoli Bhiwandi Police Station, Thane, 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) The applicant is permitted to furnish cash bail surety in

the sum of Rs.50,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Narpoli Bhiwandi Police Station, Thane once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m. till the trial concludes.

(e) 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.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter of the Thane District after being released on bail, till the trial concludes.

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

(i) The applicant shall surrender his passport, if any, to

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the investigating officer.

**8.** The application is disposed of.

**(M. S. KARNIK, J.)**