

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3019 OF 2022**

Yuvraj @ Abhi Mohan Mahadik ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Ramanik Pawar for the Applicant.

Ms Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 16 MARCH 2023

P.C. :-

1. 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. 191 of 2019 registered at Junarajwada Police Station, Kolhapur for the offences punishable under Sections 364-A, 365, 386, 387, 326, 323, 504, 506 r/w. 34 of the Indian Penal Code, Sections 3 r/w. 25 of Indian Arms Act, Sections 39, 42, 45 of Maharashtra Money Lending (Regulation) Act, 2014 and Sections 3(1)(ii), 3(2), 3(4), 3(5) of the Maharashtra Control of Organised Crime Act, 1999 (MCOC Act).

3. This Court by order dated 26 September 2022 in Criminal Bail Application No.1156 of 2021 granted bail to the present applicant for the offences under MCOC Act and granted liberty to the applicant to move an application for bail before the trial Court for rest of the offences. The relevant portion of the order reads thus:

“5. From the factual matrix of the present case, against the applicant only one offence being No. 191 of 2019 which is substantial offence in the same crime came to be registered as a member of organized crime syndicate. Rest of the offences were allegedly committed by the applicant in an independent capacity. In the aforesaid background, rightly so pointed out by Mr. A. P. Mundargi, case of the applicant is squarely covered by the aforesaid observations made by the Apex Court. Singular instance of Offence No. 191 of 2019 will not qualify the claim of the prosecution to invoke provisions of MCOCA against the applicant.

6. In that view of the matter, case for grant of bail in the crime registered under the MCOCA is made out.

7. As such, applicant is directed to be released on bail on executing PR bond of Rs. 1,00,000/- with one or two local sureties in the like amount.

8. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence.

9. Applicant shall remain outside the jurisdiction of the Police Station till the trial is concluded.

10. The application as such stands allowed in the above terms.

11. Applicant is at liberty to move for grant of regular bail before the Trial Court, which shall be decided without being influenced by the present order.”

4. The trial Court rejected the application filed by the applicant for bail pursuant to the liberty granted by this Court.

5. I have heard the learned Counsel for the applicant and the learned APP for the respondent-State.

6. According to the prosecution, the applicant is a member of organized crime syndicate formed by co-accused Suraj Sakhare. According to the complainant, he had borrowed Rs.10 lakhs from the said co-accused Suraj Sakhare. It is alleged that though he had repaid the said amount to the said co-accused Suraj Sakhare, however, still the present applicant and

other co-accused abducted him and threatened him to pay Rs.25 lakhs to them.

7. There appears to be delay in lodging the FIR.

8. The learned APP submits that the applicant is involved in 8 more crimes. However, considering the overall facts and circumstances of the case and as the applicant is in jail for more than three and half years, I am inclined to release the applicant on bail.

9. The learned counsel for the applicant submits that the applicant has already furnished surety pursuant to the order passed by this Court dated 26 September 2022 in Criminal Bail Application No.1156 of 2021. The trial Court shall verify and release the applicant.

10. The applicant shall not enter into the limits of Kolhapur district except to attend the dates before the trial Court till conclusion of trial.

11. The applicant shall provide his residential address and mobile number, if any to the Juna Rajwada police station.

12. The applicant shall attend the concerned police station, within whose jurisdiction he is going to reside after his release, 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.)