

Digitally
signed by
KANCHAN
PRASHANT
DHURI
Date:
2023.05.02
19:37:55
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3241 OF 2022

Izak @ Golu Jesila Babu ... Applicant

Versus

The State of Maharashtra ... Respondent

.....

Mr. Aniket Nikam instructed by Mr. Amit Icham for the Applicant.
Mr. Amit Palkar, APP for the State.

.....

CORAM : N.R. BORKAR, J.

DATED : 8 FEBRUARY 2023

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 555 of 2020 registered at Upnagar Police Station, Nashik for the offences punishable under Sections 120B, 302, 395, 397, 143, 147, 148, 149, 201 of Indian Penal Code read with Sections 3 and 4 read with 25 of the Arms Act, Section 135 of the Maharashtra Police Act and Section 3(1)(i),(ii), 3(2), 3(3), 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. According to the prosecution, on the date of incident which took place on 15 November 2020, the present applicant and other co-accused committed the murder of the deceased on account of previous dispute and as he was causing obstruction in the illegal activities of organized crime syndicate formed by co-accused Sagar Mhaske of which the present applicant and other co-accused are members.

5. I have perused the charge-sheet. According to the prosecution, the present applicant had supplied the weapons i.e. koyta, chopper, etc. by which the alleged crime was committed. The applicant is in jail for more than 2 years and there are no other criminal antecedents. This Court by order dated 11 August 2022 in Criminal Bail Application No. 3804 of 2021 granted bail to the co-accused Shibhan Shaikh who was part of the unlawful assembly. Considering these facts, I am inclined to release the applicant on bail. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant - Izak @ Golu Jesila Babu be released on bail in Crime No.555 of 2020 registered at Upnagar Police Station, Nashik for the offences punishable under Sections 120B, 302, 395, 397, 143, 147, 148, 149, 201 of Indian Penal Code read with Sections 3 and 4 read with 25 of the Arms Act, Section 135 of the Maharashtra Police Act and Section 3(1)(i),(ii), 3(2), 3(3), 3(4) of the Maharashtra Control of Organized Crime Act, 1999, on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(iii) The applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

(N.R. BORKAR, J.)