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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3400 OF 2022

Changa @ Vijay @ Sarjeet Behenwal ... Applicant

Versus

The State of Maharashtra and another ... Respondents

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Ms. Amina Mishra alongwith Ms. Angela Singha, Ms. Kajal Upadhyay, Ms. Ritu Singh and Mr. Nagesh Avhad instructed by SBG Law Associates for the Applicant.

Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 8 FEBRUARY 2023

P.C. :-

1. 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, 4 read with 25 of the Arms Act, Section 135 of 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. The learned Counsel for the applicant has placed on record a copy of the order passed by this Court dated 11 August 2022 in Criminal Bail Application No. 3804 of 2021. By the said order, this Court has released the co-accused – Shibhan Shafi Shaikh on bail.

6. I have perused the charge-sheet. The role attributed to the co-accused – Shibhan Shaikh and the present applicant appears to be identical. Considering the facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant - Changa @ Vijay @ Sarjeet Behenwal 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, 4 read with 25 of the Arms Act, Section 135 of 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 not enter into the jurisdiction of Upnagar Police Station till conclusion of trial.

(iv) The applicant shall attend the 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 trial.

(N.R. BORKAR, J.)