

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3275 OF 2022

Sanjeevani Hanmantrao Kadam ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Kashinath Shinde for the Applicant.

Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 5 JANUARY 2023

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending her arrest in Crime No. 282 of 2022 registered at Malegaon Police Station, for the offences punishable under Sections 384, 387, 341, 452, 506, 323, 120-B, 143 of Indian Penal Code and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (MCOC Act).

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

4. On 28 November 2022, this Court passed the following

order:

“ The Applicant has filed this Application under section 438 of Cr.P.C. apprehending her arrest in C.R.No.282/2022 registered with Mundava Police Station, Pune for offences punishable under sections 323, 341, 384, 387, 452 and 506 of the Indian Penal Code.

2. State. Heard learned counsel for the Applicant and learned APP for the I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the First Information Report (FIR) dated 25/10/2022 lodged by Tejaram Bhimaji Devasi. The Complainant is engaged in the business of selling groceries in the name and style “Bhawani Trading Company”. It is the case of the prosecution that on 23/10/2022, between 06:30 p.m. to 09:30 p.m., the co-accused Pramod Salunkhe went to the godown of the complainant and demanded ransom of Rs.20 lakhs. The son and wife of the complainant expressed their inability to pay the said amount and informed the co-accused that they could at the most arrange Rs.5 lakhs. Accordingly, they called two of their friends and arranged Rs.5 lakhs and handed over the same to the co-accused. It is alleged that the co-accused had informed the wife and son of the complainant that the demand was made at the behest of the Applicant who was sitting in the car outside the godown.

4. Apart from the statement of the co-accused, prima facie, there is no other material on record to indicate that the Applicant was seen outside the godown of the Complainant. Though it is stated that the money was recovered from the office of the Applicant, at this stage, there is no material on record to indicate that the money allegedly recovered from the office of the Applicant relates to the crime proceed.

5. Considering the nature of the accusations against the Applicant, in my considered view, the Applicant is entitled for interim bail till the next date of hearing. Hence, the following order :-

(a) In the event of arrest of the Applicant in C.R.No.282/2022 registered with Mundava Police Station, Pune, she shall be released on interim bail till the next date of hearing, on furnishing bail bonds in the sum of Rs.20,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for a period of four days from 01/12/2022 between 11:00 a.m.

to 02:00 p.m.

(c) The Applicant shall keep the Investigating Officer informed of her current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. *Stand over to 13/12/2022.”*

5. The learned APP submits that there is a bar under Section 21(3) of the MCOC Act, to entertain anticipatory bail. The learned APP in support of his submission has placed reliance on order passed by this Court dated 28 November 2018 in Anticipatory Bail Application No.453 of 2018.

6. The applicant is not involved in any other crime. In the present case, the only incriminating material against the present applicant is the statement of co-accused. Prima facie, from the material on record it is difficult to infer that applicant is a member of alleged organized crime syndicate. In such situation, in my view bar contained under Section 21(3) of the MCOC Act would not attract.

7. I am therefore inclined to confirm the order dated 28 November 2022. In the result, the following order is passed :

- (i) Application is allowed.
- (ii) Order dated 28 November 2022 passed by this Court is hereby confirmed.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
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