

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3664 OF 2022**

Babu Mukhtyar Maniyar @ Sandip

Aalokbhuvan Sunderlal

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Vivekanand Vinod Krishnan a/w Mr. Prashant Jadhav for the Applicant.

Mr. Amit Palkar, APP for the State.

.....

CORAM : N.R. BORKAR, J.

DATED : 28 APRIL 2023

P.C. :-

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. 555 of 2020 registered at Upnagar Police Station, Nashik for the offences punishable under Sections 120-B, 302, 395, 397, 143, 147, 148, 149, 201 of the Indian Penal Code, Sections 3, 4 read with 25 of the Arms Act, Section 135 of Maharashtra Police Act and Sections 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 respondent-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 due to 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- Shibani Shafi Shaikh on bail.

6. I have perused the charge-sheet. The role attributed to the co-accused 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 by imposing certain condition. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 555 of 2020 registered at Upnagar Police Station, Nashik for the offences punishable under Sections 120-B, 302, 395, 397, 143, 147, 148, 149, 201 of the Indian Penal Code, Sections 3, 4 read with 25 of the Arms Act, Section 135 of Maharashtra Police Act and Sections 3(1)(i)(ii), 3(2), 3(3) 3(4) of the Maharashtra Control of Organized Crime Act, 1999, on furnishing PR bond in the sum of Rs. 25,000/- 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 the trial

(iii) The applicant shall attend the police station, within whose jurisdiction he is going to reside, 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.)