

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 3138 OF 2022

Rummy Paramjit Sing Rajput ...Applicant

V/s.

The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO.4359 OF 2022**

Vishal Ramesh Mandlik ...Applicant

V/s.

The State of Maharashtra & Anr. ... Respondents

NILAM
SANTOSH
KAMBLE

Digitally signed
by NILAM
SANTOSH
KAMBLE
Date: 2023.09.20
16:31:19 +0530

Mr.Abad Ponda i/b Mr.Karan L Jain, for the Applicant.
Mr.Akshay Bankapur, for the Intervenor in IA No.4359 of 2022.
Mr.P.H. Gaikwad, APP for the Respondent-State.
Ms.Neha P. Solanke, PSI, Gangapur Police Station, Nasik City.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th SEPTEMBER 2023

P.C:-

. By this Application, Applicant is seeking bail in
Crime No.37 of 2021 registered with Gangapur Police Station,
Nashik, for the offences punishable under Sections 302, 120B,

115, 109, 201, 419, 420, 465, 467, 468 read with Section 34 of the Indian Penal Code ('IPC' for short), Section 4 and 25 of the Arms Act and Section 3(1)(i)(ii), 3(2), 3(4), 3(5) of Maharashtra Control of Organized Crime Act ('MCOC Act' for short).

2. It is prosecution's case that, the informant's, family possesses ancestral properties at Anandwalli Shivar, Gangapur Road, Nashik, and there is a long-standing dispute in respect of those properties with the other group including accused No.1 Sachin Mandlik, accused Akshay @ Atal Mandlik, accused Mukta Motkari and accused Bhushan Motkari and others. It is alleged that the father of the Informant had lodged a criminal complaint against above mentioned accused for forgery and cheating with the attempt to grab those properties. Accused Mukta Motkari had also lodged a criminal complaint against the father of the Informant. It is alleged that the father of the informant was likely to succeed in the litigation pending against the Accused No.1 and other's and they had made an attempt to pursue the father of the informant to withdraw the case or settle it. It is alleged that they even threatened his father to put an end to his life. Thereafter,

when father of informant was in his field some one stabbed him. Due to that injury while taking treatment he died.

3. It is contention of the learned counsel for the Applicant that, allegations against the Applicant are that, he was part of conspiracy to kill the father of first informant. There were phone calls between applicant and co-accused and applicant had given huge amount to co-accused Nitish Singh, which was later transferred to co-accused Mukta. It is alleged that the said amount was given in respect of property of deceased. Learned counsel further submitted that there is confessional statement of co-accused Jagdish Mandlik, who has stated that, Applicant was pressurizing accused No.1 Sachin for money and accused No.1. Sachin was under pressure to return the money to the Applicant, as the possession of the land was not given to the Applicant. The learned counsel further submitted that, except transfer of money in the bank account of the Nitesh Singh and phone calls to co-accused and part of conspiracy, there are no other allegations against the Applicant.

4. The learned counsel further submitted that, Accused No.1 Sachin Mandlik has been released on bail and Accused Nitish Singh who has allegedly received money from the Applicant has been released on bail by this Court. The learned counsel further submitted that, out of 19 accused 12 co-accused have been released on bail. Learned counsel further submitted that, as a gang member it is first FIR against the applicant. Applicant is behind bar more than two years. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the Application.

5. The learned APP submitted that, confessional statement of co-accused Nitesh Singh and Jagdish Mandlik clearly indicates that, the Applicant was interested in obtaining the land of the deceased and, he had transferred huge amount for it in bank account of accused Nitesh Singh. When he was not getting that land, he was pressuring the accused No.1 Sachin.

6. The learned APP further submitted that, the Applicant is member of the gang headed by accused No.1 Sachin Mandlik. The co-accused Nitish Singh in his confessional

statement has stated that, Applicant had indulged in amassing landed properties from co-accused Muktabai. It shows involvement of the Applicant in the crime. If Applicant is released on bail he may threaten prosecution witnesses. Hence, requested to reject the Application.

7. The learned counsel for the Intervenor submitted that, the Call Data Record produced on record shows that, Applicant was in continuous contact with the accused No.1 as well as other co-accused. The confessional statement of co-accused Nitish Singh and Jagdish Mandalik clearly indicates the role of Applicant which shows his involvement in present crime. Hence, requested to reject the Application.

8. I have heard all learned counsel. Perused FIR and charge-sheet.

9. The allegations against the Applicant are that, he had pressurized the Accused No.1 Sachin to return the amount which had taken for the land of deceased. It is alleged that, Applicant and his brother had transferred huge amount in the bank account of co-accused Nitish Singh and there was continuous contact

between Accused No.1, other co-accused and the Applicant. It is alleged that, Applicant was part of conspiracy to kill the deceased.

10. The Accused No.1 Sachin is released on bail and co-accused Nitish Singh in whose bank account the amount was transferred by the Applicant has been released on bail by this Court. It is alleged that, there was continuous contact between Applicant and other co-accused, but record shows it was much prior to the incident. Whether the Applicant was part of conspiracy or not for a murder of father of first informant, it is a part of trial. Out of 19 co-accused, 12 co-accused have been released on bail. Applicant is behind bar more than two years. Investigation is completed and charge-sheet has been filed.

11. Considering the above facts, further detention of the Applicant is not required.

12. For the reasons recorded separately, I pass following order:

ORDER

(i) The applicant- Rummy Paramjit Sing Rajput in connection with C.R. No.37/2021 registered with

Gangapur Police Station, Nashik, shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.

(ii) The applicant shall attend the Investigating Officer of Gangapur police station, Nashik, twice a month i.e. on 1st and 3rd Monday of every month between 11.00 am and 1.00 pm.

(iii) The applicant shall not enter the area of the Nashik Municipal Corporation limits till the trial is concluded.

(iv) Further the applicant shall not leave the Nashik District without intimation to the investigating officer or without permission of the trial Court.

(v) The applicant shall surrender the passport to the investigating officer.

(vi) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of Gangapur Police Station till the trial is concluded as all the witnesses and the intervenor are residing in the same area.

(vii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any

Police Officer. The applicant shall not tamper with evidence.

(viii) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(ix) The Application is allowed in the aforesaid terms.

13. Interim application stands disposed off.

14. Liberty to the prosecution/intervenor to make an appropriate application for cancellation of bail in case there is any breach of condition on part of the applicant.

(SHIVKUMAR DIGE, J.)