

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3811 OF 2022

Maruti Madhukar Kambale ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Ramanik Pawar for the Applicant.
Mr. P.H. Gaikwad Patil, APP for the State.

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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. 202 of 2018 registered at Juna Rajwada Police Station, Kolhapur for the offences punishable under Sections 364(a), 386, 120(b) r/w 34 of the Indian Penal Code and Sections 3(1)(ii), 3(2), 3(4) and 3(5) of the Maharashtra Control of Organized Crime Act (MCOC Act).

3. I have heard the learned counsel for the applicant, the learned APP for the respondent-State.

4. According to the prosecution, on 30 April 2018, the applicant alongwith other co-accused abducted the complainant and demanded Rs. 25,00,000/- to him and threatened to kill him. It is alleged that present applicant and other co-accused assaulted the complainant and released him after extorting Rs. 78,500/- from him. According to the prosecution, the present applicant is a member of organised crime syndicate formed by co-accused Yogesh Rane and said organised crime syndicate committed the crime in question.

5. The bail is sought on the ground of parity. In support of the said ground, the learned counsel for the applicant has placed on record a copy of the order passed by this Court dated 30 November 2021, in Bail Application No. 1036 of 2019, by which this Court has released the gang leader on bail. The learned counsel for the applicant has also placed on record a copy of the order passed by this Court dated 20 January 2022 in Bail Application No. 3300 of 2021, by which this Court has released the co-accused Prasad Ghatge on bail.

6. On the other hand, the learned APP for the respondent-State submits that gang leader was not present at the time of alleged incident. It is submitted that the applicant is involved in one more crime. The learned APP submits that considering the nature of offence, the applicant may not be released on bail.

7. The learned APP has, however, not disputed that the role attributed to the co-accused Prakash Ghatge to whom this Court has released on bail

and role attributed to the present applicant is identical. The applicant is in jail for more than four years and the trial has not yet commenced.

8. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 202 of 2018 registered at Juna Rajwada Police Station, Kolhapur for the offences punishable under Sections 364(a), 386, 120(b) r/w 34 of the Indian Penal Code and Sections 3(1)(ii), 3(2), 3(4) and 3(5) of the Maharashtra Control of Organized Crime Act (MCOC Act) 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 municipal limits of Kolhapur, Ichalkaranji and Taluka Karvir, except to attend the dates before the trial Court till conclusion of the trial.
- (iv) The applicant shall furnish the residential address and his mobile number to Juna Rajwada Police Station.
- (v) The applicant shall attend the concerned 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.)