



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

BAIL APPLICATION NO. 3907 OF 2023

RISHIKESH RAJENDRA BANSODE
@ RUSHIKESH RAJENDRA BANSODE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Prashant G.Pandey a/w Mr.Dinesh Jadhvani, Mr. Irfan Unwalla, Mr. Ashish Jain, Adv. Dipsy Sequeira i/b W3LEGAL LLP, for the Applicant.
Ms. Veera Shinde, APP for the State.
Mr.J.B. Kadam, Police Sub-Inspector, Tilak Nagar Police Station, Mumbai.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 11, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail in respect of the offences punishable under sections 201, 307, 326, 504, 506(2), 341 read with 34 of the Indian Penal Code, 1860 and under sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (hereafter 'MCOCA', for short) registered on 15/05/2021 vide C.R. No. 273 of 2021 with Tilaknagar police station.

3. There are in all 3 accused. The applicant is the accused no.2. The applicant was arrested on 09/06/2021

4. The date of the incident is 15/05/2021. It is alleged that 3 accused assaulted the complainant. So far as the applicant who is the accused no.2 is concerned, the allegation is that the applicant assaulted the complainant with a tile on the waist. Accused no.3 is alleged to have assaulted the complainant on his head with iron chair. The injuries are simple in nature. Accused no.1 is a gang-leader. The present offence is the only offence against the present applicant, meaning thereby that there are no offences in common except the present offence with the gang-leader. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. Prima facie, there are no sufficient material to show that the applicant is a member of the organized crime syndicate. Moreover, the accused no.3-Vinit Rajendra Gaikwad who is assigned a greater role than that of the present applicant, has been enlarged on bail by this Court by order dated 01/11/2023 in Bail Application No. 1267 of 2023. The role of the present applicant is much lessor than

that of the co-accused-Vinit. The present applicant has no criminal antecedents to his discredit.

5. Learned APP submitted that considering that the offence is under the provisions of MCOC, the respondent may be granted time to file a detailed affidavit in reply. In my opinion, considering all the materials on record and the fact that the role of the present applicant is much lessor than that of the co-accused no.3- Vinit Rajendra Gaikwad who has been enlarged on bail by this Court vide order dated 01/11/2023 in Bail Application No. 1267 of 2023, the present application can be decided on its own merits. Learned APP opposed the application for bail and submitted that the applicant is being tried under the stringent provisions of MCOC and therefore should not be enlarged on bail.

6. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail on the ground of parity with co-accused- Vinit Rajendra Gaikwad who has been enlarged on bail. Learned counsel for the applicant submitted that the applicant was 20 years of age at the time of commission of crime. The applicant is in custody for

more than 2 and half years since the date of his arrest on 15/05/2021. For the reasons mentioned in the Bail Application No. 1267 of 2023 decided on 01/11/2023, even the present applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Rishikesh Rajendra Bansode @ Rushikesh Rajendra Bansode in connection with C.R. No. 273 of 2021 registered with Tilak Nagar police station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish provisional cash bail surety in the sum of Rs. 50,000/- for a period of 8 weeks in lieu of surety.
- (d) The applicant shall attend the investigating officer of Tilak Nagar police station once in a month on first Monday of the month between 11.00 a.m. and 1.00 p.m. till the trial concludes.
- (e) 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.

(f) 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.

(g) Except for attending the trial and for the purpose of reporting to the investigating officer, the applicant shall not enter Mumbai/Mumbai Suburban District after being released on bail, till the trial concludes.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(i) The applicant shall surrender his passport to the investigating officer. If the applicant does not have passport, he shall file the affidavit to that effect.

7. The application is disposed of.

(M. S. KARNIK, J.)