

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2117 OF 2024

Akshay Babaso Shendage	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

 Ms. Sana Raees Khan a/w Juhi Kadri, for the applicant.

Mr. Pankaj Deokar, APP, for the Respondent / State.

CORAM : ANIL S. KILOR, J.

DATE : 9TH OCTOBER, 2024.

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PC:

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.443 of 2023, registered with Vishrambag Police Station, Sangli, for the offences punishable under Sections 302, 120-B, 201, 385, 143, 144, 147, 148, 149, 504, 506, 212 of the Indian Penal Code, Sections 3 r/w 25, 4 r/w 27 of the Arms Act and Sections 3(1)(i), 3(1)(ii), 3(2), 3(4) and 4 of the Maharashtra Control of Organised Crime Act, (MCOC, Act).

3. The only allegation against the applicant is that he financed the main accused by giving him Rs. 50,000/-, and this fact has come in

the confessional statement of Rohit Babaso Dhende, the co-accused. However, there is also mention of the fact that the applicant promised to pay the balance amount of Rs. 50,000/- to the co-accused, Vishal Kolpe, online. However, there is no evidence to corroborate the said statements relating to the present applicant. Furthermore, nothing is pointed out to show that the applicant is a member of the syndicate.

4. In the circumstances, there is reasonable ground to believe that the applicant is not guilty of the alleged offence. There are no antecedents of similar nature.

5. In the circumstances, though the learned APP strongly opposed the application on the ground that the offence is serious and the provisions of MCOC have been invoked, I am of the opinion that this is a fit case for grant of bail. Accordingly, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.443 of 2023, registered with Vishrambag Police Station, Sangli, for the offences punishable under Sections 302, 120-B, 201, 385, 143, 144, 147, 148, 149, 504, 506, 212 of the Indian Penal Code, Sections 3 r/w 25, 4 r/w 27 of the Arms Act and Sections 3(1)(i), 3(1)(ii), 3(2), 3(4) and 4 of the Maharashtra Control of Organised

Crime Act, (MCOC, Act), on furnishing P.R.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;

iii) The applicant shall attend the Police Station on 1st and 16th day of every month between 10.00a.m. to 11.00 a.m., till the conclusion of the trial except on the date of trial;

iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

v) Liberty is granted to the State to apply for cancellation of bail in case of any breach of condition if the applicant commits similar offence;

vi) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

6. The application is disposed of .

(ANIL S. KILOR, J)