

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

CRIMINAL BAIL APPLICATION NO. 1776 OF 2023

Shahaji Baban Lokhande

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Shailesh D. Chavan, Advocate for Applicant.

Mrs. Veera Shinde, APP for State-Respondent.

Mr. Pramod Ghatge, PSI, Kodoli Police Station, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 25th JULY, 2024

PC:-

1) Heard.

2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 156 of 2019, registered with Kodoli Police Station, District: Kolhapur for the offences punishable under Sections 392, 413 and 414 read with Section 34 of Indian Penal Code (for short 'IPC') and Sections 3(1)(ii), 3(2), and 3(4) of Maharashtra Control of Organized Crime Act, 1999 (MCOC).

3) Having gone through the charge-sheet and the material collected by the Investigating Officer, it is evident that on the day when the applicant was made an accused in the present offence, there was no evidence available on record against the applicant to show that he was involved in the alleged offence. On a specific query, what was the material available with the Investigating Officer on the date of making the applicant as accused, the learned APP pointed out certain statements and recovery, however these statements were not recorded prior to making the applicant as accused but all the material pointed out by the learned APP is subsequent to making the applicant as accused in the present offence. Thus, it creates doubt about the prosecution case against the applicant.

4) In addition to this, the applicant is in jail from last four years and ten months and there is no possibility that the trial will be concluded in the near future. In the circumstances, though the learned APP is strongly opposes the present application, I am of the opinion that this is a fit case for grant of bail. Hence, I pass the following order.

ORDER

i) The Criminal Bail Application is allowed.

ii) It is directed that the applicant shall be released on bail in connection with Crime No. 156 of 2019, registered with Kodoli Police Station, District: Kolhapur for the offences punishable under Sections 392, 413 and 414 read with Section 34 of Indian Penal Code (for short 'IPC') and Sections 3(1)(ii), 3(2), and 3(4) of Maharashtra Control of Organized Crime Act, 1999 (MCOC), on

furnishing P.R.Bond of Rs.25,000/- (Rupees Twenty-Five Thousand) with solvent surety in the like amount;

- iii) The applicant shall not enter into the territorial jurisdiction of Kolhapur City till conclusion of the trial, except for the trial;
- iv) The applicant shall provide his address and the name of the nearby Police Station to the Investigating Officer and shall attend the said Police Station on 1st and 16th day of each month between 12:00 noon and 02:00 p.m. till conclusion of the trial, except on the date of the trial;
- v) 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;
- vi) Liberty is granted to the State to apply for cancellation of bail in case the applicant commits the similar offence.
- vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Bail Application is **disposed of** accordingly.

[ANIL S. KILOR, J.]