

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

BAIL APPLICATION NO. 2081 OF 2023

Chandrakant Vishnu SawantApplicant

Versus

The State of MaharashtraRespondent

Smt. Shubhangi Parulekar, Advocate for the Applicant.

Mr. S. G. Talhar, APP , Advocate for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 27th MARCH, 2024.

P.C. :

1. By this application, applicant is seeking bail in C. R. No.2 of 2018 registered with Pusegaon Police Station, Vaduj, Satara for offences punishable under Section 143, 147, 384, 42, 120-B, 504, 506 and 507 of the Indian Penal Code and under Section 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

2. It is prosecution's case that there was land dispute between the Complainant's sister and accused Nos.2 and 3. Because of that dispute, accused No.2 along with others used to threaten the

complainant. In the month of October, accused nos.1, 2 and other accused had been to the house of complainant and threatened him to sell the disputed land else they will take it forcibly. It is further alleged that accused No.1 is an habitual offender and he has created terror in that area. On the complain of complainant, police lodged F.I.R. against accused Nos.1, 2 and others. Initially the name of applicant was not mentioned in the F.I.R. and, on the statement of witness, the name of applicant was added in the present crime.

3. It is contention of learned counsel for the Applicant that the role attributed to the Applicant and role attributed to the Pradeep Ghadge is of same nature. Accused Pradeep Ghadge has been released on bail by this Court (Coram: Revati Mohite Dere, J) vide order dated 16th February, 2021. Learned counsel further submitted that Pradeep Ghadge has criminal antecedents whereas no offences are registered against the present applicant under MCOC will not be applicable against the present applicant as no two charge-sheets have been filed against him. Hence, requested to allow the Application.

4. Learned APP strongly objected to allow the application on the ground that the applicant had threatened the complainant to

transfer the land in the name of other person. He has played active role in the said crime, if he is released on bail, he may threaten the complainant and witnesses. Hence, requested to reject the application.

5. I have heard both learned counsel. The allegations against the applicant and co-accused Pradeep Ghadge are same. Pradeep Ghadge has been released on bail by this Court (Coram: Revati Mohite Dere, J) vide order dated 16th February, 2021. Moreover, no two charge-sheets have been filed against the applicant. Applicant has no criminal antecedents hence, applicant is entitled for bail on principle of parity.

6. In view of above, I pass following order.

ORDER

- i. The applicant be enlarged on bail in Crime No.2 of 2018 registered with Pusegaon Police Station, Satara, on executing P. R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- ii. The applicant shall attend the concerned police station once in a month i.e. on first Monday between 11:00 to 3:00 p.m. till framing of charge.

- iii. The applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
 - iv. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
7. The application is allowed in the aforesaid terms and is accordingly disposed of
8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)