

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

CRIMINAL BAIL APPLICATION NO. 3352 OF 2023

Yunus Hasan Mujawar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Aniket U. Nikam a/w Mr. Amit Icham, Mr. Satyajeet Mane,
Advocate for the Applicant.

Mrs. Geeta Mulekar, APP for the Respondent – State.

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CORAM : ANIL S. KILOR, J.

DATE : 15th JULY, 2024.

P.C.:

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure, the applicant is seeking bail in Crime No.191 of 2019, registered with Juna Rajwada Police Station, District: Kolhapur for the offences punishable under Sections 364-A, 365, 386, 387, 326, 323, 504, 506 r/w 34 of Indian Penal Code (for short 'IPC'), Sections 39, 42, 45 of Money Lending Act, 2014, Sections 3(1), 25 of Arms Act and Sections 3(i)(ii), 3(2), 3(4), 3(5) of the Maharashtra Control of Organized Crime Act, 1999 (for short 'MCOC Act').

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3. Learned Advocate for the Applicant points out that there are total seven accused persons and out of seven except the Applicant all have been released on bail including the co-accused who is alleged to be a gang leader. It is submitted that if the alleged role of the Applicant and the gang leader is compared, the case of the Applicant is on a better footing. It is submitted that against the gang leader there were eight antecedents whereas against Applicant there are two including the present one as in three offences the Applicant was acquitted.

4. On a specific query put to the learned APP, whether the State has moved application for cancellation of bail granted to the gang leader, the answer was in negative.

5. Considering the role of the Applicant stated in the complaint and the FIR, it is evident that the case of the Applicant is on a better footing than the co-accused, more particularly the gang leader. In the circumstances, the learned Advocate for the Applicant is seeking parity.

6. Accordingly, the application is allowed.

ORDER

- i. Criminal Bail Application No.3352 of 2023 is allowed;

- ii.** It is directed that the Applicant shall be released on bail in Crime No.191 of 2019, registered with Juna Rajwada Police Station, District: Kolhapur for the offences punishable under Sections 364-A, 365, 386, 387, 326, 323, 504, 506 r/w 34 of IPC, Sections 39, 42, 45 of Money Lending Act, 2014, Sections 3(1), 25 of Arms Act and Sections 3(i)(ii), 3(2), 3(4), 3(5) of the MCOC Act, on furnishing P.R. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- iii.** The Applicant shall not enter within the territorial jurisdiction of Kolhapur City till conclusion of trial except for attending trial;
- iv.** The Applicant shall provide his address alongwith the name of nearby Police Station which he shall attend on 1st and 16th day of each month between 10:00 am to 11:00 am till conclusion of trial except for attending 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 for cancellation of bail if the Applicant commits similar offence;

vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

viii. Application stands disposed off, accordingly.

(ANIL S. KILOR, J.)