

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1617 OF 2023**

Sameer D. Borkar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Vaibhav R. Gaikwad a/w. Mr. Atharva R. B. and Mr. Yash M. Naik and Saisha Pisal i/b Mr. Vrushabh Savla for the Applicant.
Mr. A.S. Shalgaonkar, APP for the Respondent/State.

**CORAM : N. R. BORKAR, J.
DATE : 15 MARCH 2024.**

PC:-

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.168 of 2020 registered at Wakad Police Station, Pune for the offences punishable under Sections 395, 397, 363, 364(A), 341, 342 of the Indian Penal Code ('IPC'), Sections 37(i)(3) read with 135 of the Maharashtra Police Act, Section 4 read with 25 of the Arms Act and Sections 3(1)(ii), 3(4) of the Maharashtra Control of Organised Crimes Act ('MCOC Act').
3. According to the prosecution, the applicant is a member of the organized crime syndicate formed by co-accused Aniket Arjun Chaudhary. It is alleged that on the date of incident, which took place on 26 February 2020, the applicant alongwith other co-accused had forcibly stopped the informant's car and told that his car had dashed one person and then dragged the complainant out of his car. It is alleged that the complainant

was threatened and beaten by the gang leader Ankit Chowdhary and forced to withdraw the amount from ATM and took away the amount of Rs.25,000/-.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

5. The bail is sought on the ground of parity. In support of the said ground, the learned counsel for the applicant has produced on record order passed by this Court dated 27 January 2022 in Criminal Bail Application No. 1126 of 2021. By the said order, this Court has released the co-accused Mayur S. Bhosale on bail.

6. I have perused the charge-sheet. The overt-act attributed to the co-accused Mayur Bhosale is much more serious than the overt-act attributed to the present applicant. In that view of the matter, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 168 of 2020 registered at Wakad Police Station, Pune for the offences punishable under Sections 395, 397, 363, 364(A), 341, 342 of the IPC, Sections 37(i)(3) read with 135 of the Maharashtra Police Act, Section 4 read with 25 of the Arms Act and Sections 3(1)(ii), 3(4) of the MCOC Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

(N.R. BORKAR, J.)