



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

BAIL APPLICATION NO. 2599 OF 2023

ANIKET SAMBHAJI SHINDE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Omkar D.Sovani, for the Applicant.

Ms. Megha S. Bajoria, APP for the State.

HC-Mr. Ravindra Ray, Kamshet police station is present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 27, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under sections 395, 387, 504, 506, 427 of the Indian Penal Code, 1860 ("IPC", for short), under sections 3(25) (27) of the Arms Act, under sections 3 and 7 of Criminal Amendment Act, under sections 37(1), 135 of the Maharashtra Police Act and under section 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (hereafter 'MCOCA' for short) registered on 17/09/2021 vide C.R. No.341 of 2021 with Kamshet police station, Pune Rural.

3. There are in all 6 accused. The applicant is the accused no.3. The applicant was arrested on 01/12/2021.

4. It is the case of the complainant that he is engaged in the business of construction. Dhanesh alias Chocolate Dilip Shinde is alleged to be a gang leader. The applicant is a member of the gang. The gang of Dhanesh has created terror in the locality. The gang was extorting money from the builders and businessmen. The gang wanted to extort money from the complainant. When the complainant refused to give money, on the date of the incident, 6 accused in all, accosted the complainant. The applicant was armed with a hockey stick. Every member of the gang was armed with koyta and deadly weapons. The accused broke the windows of the car in which the complainant was travelling. The complainant tried to escape. The role assigned to the applicant is that with the hockey stick, he broke the window of the car. It is also alleged that the applicant caught hold of one of the acquaintance of the complainant. When the complainant tried to make a good his escape, the other accused assaulted him. The injuries sustained by him are simple in nature. Learned APP

submitted that the rigours of section 21 of MCOC Act would be applicable in the present case having regard to the fact that the applicant is a member of the organized crime syndicate.

5. My attention is invited to the averments made in the affidavit affirmed by Mr.Satya Sai Karthik, Assistant Superintendent of Police, Lonawala Division, District-Pune. Apart from the present C.R., there is one offence in common which the applicant has with the gang-leader Dhanesh i.e. C.R. No. 211 of 2019 registered with the Kamshet police station under sections 364-A, 386, 387, 504, 506, 527 of IPC read with sections 3, 25 of Arms Act. It is submitted that the applicant is creating terror in the area along with other gang leaders.

6. So far as the CR. No. 211 of 2019 is concerned, it is the contention of the learned counsel for the applicant that the offence was registered against him when the applicant was a juvenile. So far as the present offence is concerned, the role assigned to the applicant is that he had used the hockey stick for smashing the windshield and window of the car. The applicant caught hold of one of the acquaintance

while the complainant was trying to escape. The applicant is in custody from the date of his arrest on 01/12/2021 almost for a period of more than 26 months. Even charge has not so far been framed by the trial Court. Despite opposition of learned APP, in the facts of the present case, I am inclined to enlarge the applicant on bail. According to me, rigours of section 21 of MCOC Act can be overcome. I propose to impose stringent conditions. On instructions, learned counsel for the applicant submits that the applicant is willing to reside outside Pune and Raigad districts to allay the apprehension of learned APP that the applicant will again resort to the activities of extortion in the area where the gang was operating. I am therefore of the opinion that there is no possibility of the applicant committing any offence during the pendency of the trial. The applicant does not appear to be a flight risk. The investigation is complete. The charge-sheet has been filed. The trial is likely to take a long time to conclude. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Aniket Sambhaji Shinde in connection

with C.R. No. 341 of 2021 registered with Kamshet police station, District-Pune shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.

(c) The applicant shall report to the police station which is nearest to the place of his residence while residing outside Pune and Raigad districts once in a month on every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicant shall inform the trial Court as well as the investigating officer the contact details as well as residential address while residing outside Pune and Raigad districts.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) Except for attending the trial, the applicant shall not enter Pune and Raigad districts after being released on bail, till the trial concludes.

(g) If the applicant is found violating any of the conditions, it will be open for the prosecution to apply for cancellation of bail.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(i) The applicant shall surrender his passport, if any, to the investigating officer. If the applicant does not have passport, he shall file the affidavit to that effect.

7. The application is disposed of.

(M. S. KARNIK, J.)