

Shailaja

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

**CRIMINAL BAIL APPLICATION NO.165 OF 2022**

|                          |   |            |
|--------------------------|---|------------|
| Vishal Jaysingh Machle   | ] | Applicant  |
| Vs.                      |   |            |
| The State of Maharashtra | ] | Respondent |

a/w  
**INTERIM APPLICATION NO.1621 OF 2022  
IN  
CRIMINAL BAIL APPLICATION NO.165 OF 2022**

|                 |   |           |
|-----------------|---|-----------|
| Jamiul A. Haque | ] | Applicant |
|-----------------|---|-----------|

**IN THE MATTER BETWEEN:**

|                        |   |            |
|------------------------|---|------------|
| Vishal Jaysingh Machle | ] | Applicant  |
| Vs.                    |   |            |
| State of Maharashtra   | ] | Respondent |

a/w  
**CRIMINAL BAIL APPLICATION NO.2802 OF 2022**

|                          |   |            |
|--------------------------|---|------------|
| Irfan Sikandar Shaikh    | ] | Applicant  |
| Vs.                      |   |            |
| The State of Maharashtra | ] | Respondent |

a/w  
**INTERIM APPLICATION NO.77 OF 2023  
IN  
CRIMINAL BAIL APPLICATION NO.2802 OF 2022**

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|-----------------|---|-----------|
| Jamiul A. Haque | ] | Applicant |
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**IN THE MATTER BETWEEN:**

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|--------------------------|---|------------|
| Irfan Sikandar Shaikh    | ] | Applicant  |
| Vs.                      |   |            |
| The State of Maharashtra | ] | Respondent |

a/w

## CRIMINAL BAIL APPLICATION NO.650 OF 2022

|                              |   |            |
|------------------------------|---|------------|
| Rahulasing Tufansing Dudhane | ] | Applicant  |
| Vs.                          |   |            |
| The State of Maharashtra     | ] | Respondent |

a/w

INTERIM APPLICATION NO.1849 OF 2022  
IN  
CRIMINAL BAIL APPLICATION NO.650 OF 2022

|                 |   |           |
|-----------------|---|-----------|
| Jamiul A. Haque | ] | Applicant |
|-----------------|---|-----------|

IN THE MATTER BETWEEN:

|                              |   |            |
|------------------------------|---|------------|
| Rahulasing Tufansing Dudhane | ] | Applicant  |
| Vs.                          |   |            |
| The State of Maharashtra     | ] | Respondent |

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Mr. Aniket Nikam a/w Mr. Amit Icham a/w Mr. Dushyant Digamber and Mr. Vivek N. Arote, for Applicants in Criminal Bail Application No.165 of 2022 and Criminal Bail Application No.2802 of 2022.

Mr. Satyam Nimbalkar a/w Mr. Abhishek U. Arote i/b Mr. Sachin S. Thombare, for Applicant in Criminal Bail Application No.650 of 2022.

Ms. Anamika Malhotra, A.P.P, for Respondent – State.

Mr. Somnath Thengal, for Applicant in Interim Application No.1621 of 2022 and Interim Application No.1849 of 2022.

P.S.I Mr. Y.C. Zinjurke, Gandhinagar Police Station, Karvir Division, H.C/300 Mr. S.B. Kumbhar, Gokul Shirgaon Police Station present.

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CORAM : PRITHVIRAJ K. CHAVAN, J.  
RESERVED ON : 20TH MARCH, 2024.  
PRONOUNCED ON : 1ST APRIL, 2024.

**COMMON ORDER:**

1. Applicants are the original accused Nos.3, 4 and 6 viz: Vishal Jaysingh Machle, Irfan Sikandar Shaikh and Rahulsingh Tufansing Dudhane, who are being prosecuted by *Gokul Shirgaon* Police Station, *Kolhapur* in connection with C.R. No.201 of 2020 for the offences punishable under Sections 364-A, 365, 368, 386, 341, 323, 504, 506 r/w 34 of the Indian Penal Code and under Sections 3 (1) (ii), 3 (ii), 3 (2) and 3 (4) of the Maharashtra Control of Organized Crime Act, 1999 (for short “MCOC Act”).
2. The first informant – Jamiul Haque, who originally hails from West Bengal has migrated to *Tamgaon, Taluka Karveer, District Kolhapur*. He is a Labour Contractor.
3. On 28<sup>th</sup> August, 2020, first informant – Jamiul Haque was returning home after finishing work in a Company known as “Marvelous Company” situate at M.I.D.C *Gokul Shirgaon* in his Tata Indica Vista Car bearing No. MH-12-GF-0138. It was around 10.00 p.m when his car was suddenly intercepted by a Jupiter

Moped bearing No. MH-09-EV-9596. Two persons riding the said Moped approached the first informant under the pretext that there is some important work. Immediately thereafter, one of them opened the front door of the car and pushed the first informant on the adjoining seat and occupied the driving seat. At that time, another person occupied rear seat and put a knife on the neck of the first informant by threatening him that they belong to *Kishor Makadwala Gang*. He was threatened that since he is a migrator shifted to District *Kolhapur* and earning a lot on account of his profession of labour supply, he should regularly pay ransom (*hapta*) to the said gang. Meanwhile, they drove his car at a distance of 4 to 5 k.m's. Later, another Scorpio Jeep came over there from which 3 to 4 unknown persons alighted. All of them took the first informant in the dark of the night through muddy fields simultaneously assaulting him. He was robbed of gold chain, gold ring and cash of Rs.25,000/-. They had also snatched his Aadhar Card, PAN Card and ATM Card as well as Mobile handset.

4. Later on, he was taken to a remote place towards *Chandgad* direction in their respective vehicles. He was made to sit in a cattle shed. One of the person who was called as Kishor by the other

assailants took out ATM Card of the first informant and asked him it's PIN number. By using the said ATM Card, other accused had withdrawn cash from the ATM. After kidnapping, he was detained overnight in the said cattle shed and was threatened to pay a ransom of Rs.5,00,000/- then only they would leave him at *Kolhapur*. The first informant informed them that he would seek help of his friend at *Ichalkaranji* and then he would pay the ransom. Accordingly, friend of the first informant – viz: Gautam Kamble was contacted and the first informant was forced to pretend his urgent need of Rs.50,000/- and Gautam Kamble was asked to come near *Mayur* Petrol Pump, High Way Road at Gokul *Shirgaon*. Accordingly, Gautam Kamble, who was unaware of the episode, arrived at the said Petrol Pump around 11.30 p.m who could manage only 40,000 rupees. The said amount was taken by the accused.

5. Subsequently, they dropped the first informant near *Islampur*. His Vista Car along with his mobile, ATM Card and an amount of Rs.1,000/- was returned to him. They threatened him not to disclose the said incident to anyone, else, they would kill him. When the first informant checked his mobile, he was shocked to realize that by using his ATM Card, they had withdrawn

Rs.20,000/- and 21,000/- respectively from the ATM at *Chandgad*. Since the applicant was scared, he informed about the incident to his friend Bhausahab Jairam Jadhav alias Govinda. Subsequently, a report came to be lodged on 4<sup>th</sup> September, 2020.

6. A crime was registered with *Gokul Shirgaon* Police Station, *Kolhapur*. Since it was an organized crime syndicate of *Kishor Makadwala Gang*, provisions of MCOC Act came to be invoked. Apart from the aforesaid sections, sections of the I.P.C viz: kidnapping for ransom, kidnapping with intent to secretly and wrongfully confine the first informant, concealing the confinement of the first informant and extortion by putting in fear of death etc were invoked.

7. After investigation, a charge-sheet came to be filed.

8. I heard Mr. Aniket Nikam, learned Counsel for the applicant in Criminal Bail Application No.165 of 2022 namely Vishal Jaysingh Machle and Criminal Bail Application No.2802 of 2022 namely Irfan Sikandar Shaikh and also Counsel Mr. Satyam Nimbalkar, for applicant in Criminal Bail Application No.650 of

2022 namely Rahulsingh Tufansingh Dudhane. I also heard Ms. Malhotra, learned A.P.P at length.

9. At the outset, Mr. Nikam would argue that the applicants have been falsely implicated only on the basis of few previous offences against them, without any material on record to indicate actual involvement of any of the applicants or *sans* any description of any of the applicants given by the first informant in the First Information Report dated 4<sup>th</sup> September, 2020. He would argue that there is a delay of six days which has not been explained by the prosecution and, therefore, it also creates a doubt as regards genuineness of the report. He submits that for the first time in his supplementary statement dated 8<sup>th</sup> September, 2020, the first informant had given description of the assailants.

10. Mr. Nikam would strenuously argue that the so called Test Identification Parade is in total breach of several pronouncements of this Court and the Supreme Court as well as guidelines given in the Criminal Manual and, therefore, it is doubtful whether the applicants, in fact, were the real culprits in committing the aforesaid offences. Mr. Nikam, in order to substantiate his contention,

pointed out that same dummies were summoned at the time of conducting Test Identification Parade in respect of all the three applicants which frustrates the very purpose of the Test Identification Parade. He also invites my attention to the injury certificate of the first informant who was examined after six days of the incident. Certificate indicates that the injury is eight to ten days old which belied the prosecution's case. None of the witnesses could give description of any of the applicants. The applicants are behind the bars ever since their arrest in September, 2020 for more than three and half years. There is no recovery under Section 27 of the Indian Evidence Act. There is no likelihood of conclusion of the trial in a reasonable period. As such, he stressed for releasing the applicants on bail.

11. Mr. Nimbalkar appearing for Rahulsingh Tufansingh Dudhane spoke in tune with Mr. Nikam. Mr. Nimbalkar would invite my attention to an important aspect in respect of applicant – Rahulsing Tufansing Dudhane, who, according to him, is a person of “*Sikh*” community with a turban and beard. None of the dummies or non suspects made to stand at the time of the Test Identification Parade, were of similar description to that of

Rahulsing Tufansing Dudhane and, therefore, even if he was identified that would frustrate the purpose of the parade since there is clear breach of the guidelines.

12. On the other hand, Ms. Malhotra, learned A.P.P while objecting the applications strenuously argued that this being an organized crime syndicate of *Kishor Makadwala Gang* having history of several cases, in case of release of the applicants, there is every likelihood of repeating similar kind of offences as well as threats to the first informant and the prosecution witnesses. Learned A.P.P has placed on record a chart of *Gokul Shirgaon* Police Station indicating complicity of the applicants in various offences in the past as well as the extract of CDR depicting the locations of the applicants at the time of committing the offence.

13. Heard Mr. Thengal, learned Counsel for the Intervener who spoke in tune with the learned A.P.P.

14. Admittedly, there is a delay of six days in lodging an First Information Report. The alleged incident had occurred between the intervening night of 28<sup>th</sup> August, 2020 and 29<sup>th</sup> August, 2020.

It is the contention of the prosecution that the first informant was under fear and was shocked due to the incident in question, a delay has occurred which is quite obvious. The record reveals that even after six days i.e on 4<sup>th</sup> September, 2020, the first informant could not give description of any of the applicants. The First Information Report dated 4<sup>th</sup> September, 2020 though furnishes all the details of the incident right from his kidnapping by the applicant, snatching of his belongings including cash and gold ornaments as well as withdrawing cash from ATM by using his ATM cards but, except by stating that during their talks, they were referring to *Kishor Makadwala Gang*, the first informant has not whispered anything about the description of any of the applicants or other accused. It appears that thereafter on 8<sup>th</sup> September, 2020, the first informant, for the first time, described the miscreants, more particularly, one of the accused was “*Sikh*”. This is significant in light of the Test Identification Parade conducted by the prosecution.

15. Police Sub Inspector attached to *Gokul Shirgaon* Police Station had addressed a communication to the Sub Divisional Officer, *Karveer Taluka, Kolhapur* on 4<sup>th</sup> December, 2020 as regards Test Identification Parade which was conducted by the *Tehsildar* on

19<sup>th</sup> November, 2020 i.e more than two months after alleged date of the incident. *Panchanama* in respect of the Test Identification Parade annexed along with the record reveals several discrepancies and shortcomings indicating several irregularities and illegalities in view of several decisions of the Supreme Court as well as in breach of the guidelines prescribed in Criminal Manual.

16. It is needless to go into all the minute details at this stage, nevertheless, few important points need to be highlighted which would, *prima facie*, expose the vital discrepancies and lacunae in prosecution's case.

17. Chart annexed with the Test Identification Parade drawn by *Tehsildar* depicts that the ratio of the suspects and non suspects (dummies) has not been followed. *Panchanama* does not indicate description and age of the dummies. The most crucial aspect is that the same dummies have been used for conducting Test Identification Parade in respect of all the applicants. It appears that for conducting Test Identification Parade in the first round, thirteen dummies were made to stand in a queue and, therefore, out of five accused three accused were asked to stand amongst them as per their choice. It

appears that the suspects were asked to change their clothes, if they so wish. One of the *panch* witness namely Gorakhnath Dinkar Gurav was sent to bring the identifying witnesses. It is not clear from the *panchanama* whether the identifying witness viz: Gautam D. Kamble who is the friend of the first informant had an occasion to witness suspects after the incident and before conducting the Test Identification Parade. This is for the simple reason that there is nothing on record to show that after their arrests, the applicants were brought to the Court for the purpose of remand in veiled condition. It is not clear whether the applicants were kept ‘*ba parda*’. *Panchanama* does reveal that Gautam D. Kamble and the first informant identified the applicants, however, the Test Identification parade itself is in clear breach of guidelines of the Criminal Manual. It would be difficult to accept the same as a genuine Test Identification Parade.

18. The most glaring aspect is in respect of Rahulsing Dudhane, who is admittedly a “*Sikh*” by religion having beard and turban. *Panchanama* of Test Identification Parade nowhere indicates that the dummies placed along with applicant – Rahulsing were of similar description, meaning thereby, with beard and turban so that the

identifying witness could correctly identify the applicant as one of the suspect.

19. In a recent judgment of the Supreme Court in case of **Gireesan Nair and others Vs. State of Kerala**,<sup>1</sup> having taken survey of several decisions, Supreme Court concluded that there was an occasion for the witnesses to see the accused from the very beginning as the accused were photographed, videographed and were shown to the witnesses. In the said case, the witness had an occasion to see the suspects before conducting the Test Identification Parade. Test Identification Parade was conducted much after filing application for remand. The accused were remanded to Police Custody. The Supreme Court observed that witnesses were deliberately taken to the Police Custody to facilitate them to identify the suspects. It would be apposite to extract paragraphs 33 to 36 which read thus;

*“33. It is significant to maintain a healthy ratio between suspects and non suspects during a TIP. If rules to that effect are provided in Prison Manuals or if an appropriate authority has issued guidelines regarding the ratio to be maintained, then such rules/guidelines shall be followed. The officer conducting the TIP is under a compelling*

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*obligation to mandatorily maintain the prescribed ratio. While conducting a TIP, it is a sine qua non that the non -suspects should be of the same age-group and should also have similar physical features (size, weight, color, beard, scars, marks, bodily injuries etc.) to that of the suspects. The Officer concerned overseeing the TIP should also record such physical features before commencing the TIP proceeding. This gives credibility to the TIP and ensures that the TIP is not just an empty formality (Rajesh Govind Jagesha v. State of Maharashtra, (1999) 8 SCC 428 and Ravi V. State, (2007) 15 SCC 372.*

*34. It is for the prosecution to prove that a TIP was conducted in a fair manner and that all necessary measures and precautions were taken before conducting the TIP. Thus, the burden is not on the defence. Instead, it is on the prosecution (Rajesh Govind Jagesha v. State of Maharashtra).*

*35. We will now consider the three major contentions raised by the Appellants before us, being:*

*(i) the credibility of the eye witnesses who participated in the TIP to identify the accused;*

*(ii) delay in conducting the TIP; and*

*(iii) legality of the TIP and the presence of the IO during the conduct of the TIP.*

*We will now consider each of these submissions.*

***Re: Credibility of the eyewitnesses who participated in the TIP to identify the accused:***

*36. PW 3, in his deposition before the Sessions Court, stated that:*

*“Prior to the date of identification parade, I had been to the Crime Branch office on different days*

*(Q) Were there 10-18 accused at time of first parade.*

*(A) So many people were there.*

*(Q) Were some of the accused shown to you from the Crime Branch Office.*

*(A) They were shown”.*

*(Q) Were some more of the accused were shown to you before going to the 2<sup>nd</sup> parade*

*(A) Yes”.*

20. Admittedly, there is nothing on record to show that non suspects were of the same age group having similar physical features, size, weight, colour, beard, scars, marks, bodily injuries etc. Thus, it can be said to be an empty formality of conducting the Test Identification Parade.

21. In case of Irfan Sikandar Shaikh and Rahulsing Tufansing Dudhane, same dummies were placed in a row which is in clear breach of the guidelines on Test Identification Parade.

22. This Court (Coram: C.V. Bhadang, J.) in case of **Jadya Alias Paigambar Tayyub Mulani Vs. The State of Maharashtra**<sup>2</sup> granted bail to the applicant mainly on the ground that two accused were included in the TIP together and same dummies were used which may have some effect on the acceptability of the TIP.

23. In case of **Ramcharan Bhudiram Gupta Vs. The State of Maharashtra**<sup>3</sup>, it is observed thus;

*“17. In order to make identification evidence beyond reproach, it is high time that an end is put to the practice of holding of identification at police station and identification parades instead are held in jail. This practice would not only enable the police to wash the stigma of showing suspects prior to their identification; a stigma which more than often is unfounded, but has manifold other advantages. Jails have a large population these days. It would be easy there to find persons similar to the suspects sought to be put for identification. Such similar persons have to mixed with the suspects at the time of identification.*

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<sup>2</sup> Criminal Bail Application No.1576 of 2021

<sup>3</sup> 1996 (1) Bom. C.R. 190

*The identification in jail would not only actually be free from any taint or suspicion but equally importantly it would also appear to be so. It would in still a sense of confidence both in the minds of the suspects sought to be put for identification as well as the court. There are some other infirmities too in the evidence of identification, which render it unworthy of acceptance.*

*Firstly, the procedure of holding the identification as laid down in the Criminal Manual issued by the high Court of Judicature, Appellate Side, Bombay has not been followed. The Manual provides that not more than two suspects at a time should be put for identification in one parade but, in the instant case, three persons viz, the appellants and Medha Jagganath Dhobi were put up together for identification in one parade.*

*In fact, the Executive Magistrate went to the extent of saying that "I am not aware about the High Court Criminal Manual about the method of holding the parade." This is a shocking state of affairs. We expect that in future, it would be ensured that the Magistrates who conduct identification proceedings, are at least aware of the High Court Criminal Manual which deals with the manner in which they are to be conducted. We would like to emphasise that little value can be given to the identification held in breach of provisions contained in criminal Manual of this court. Secondly, in the identification memo, there is no mention of the fact that dummies mixed with the appellants bore similar*

*physical appearance and hence, we do not think it safe to believe the Magistrate when he deposed to this effect in the trial court. Once the court entertains doubts about dummies bearing similar physical appearance being mixed with the appellants, at the time of their test identification, the court has no option but, to reject the evidence of identification.*

*18. The fall out of the aforesaid discussion is that the identification evidence against the appellants does not inspire confidence and consequently, both the appellants have to be acquitted on all the counts.*

*19. However, one question which remains is as to whether the appellants can be convicted in respect of the property recovered at their pointing out. In our judgment, the answer to this question has to be in the affirmative and the appellants can be safely be convicted under Section 411, IPC”.*

24. Criminal Manual contemplates the procedure for holding Test Identification Parade. Clauses (iv), (iv), (vi), (vii), (viii) and (ix) are of vital importance which read thus;

*“(iv) The parade should then be arranged in a room or a place which is such that the identifying witnesses, as well as the persons connected with the Police, should not be able to look into it.*

*(v) If there is only one accused person to be identified, there should be at least half a dozen persons placed in the parade. If two accused*

*persons are to be identified, then there should be about 10 or 12 persons in the parade. Not more than two accused should be placed in any single identification parade. Normally, the Police themselves will have called up the persons to be put in the parade; but the Executive Magistrate/Honorary Magistrate should see that they are persons of more or less the same physical appearance, and approximately of the same age, as the person to be identified. It is desirable that innocent persons to be mixed should be different for each such parade.*

*(vi) No person, other than the persons in the parade, and the two respectable persons, should be allowed to remain in the room where the identification proceedings are being held. In particular, all police officers and constables should be asked to withdraw themselves completely from the room. There is no objection to any of them remaining outside the room or otherwise at hand, ready to be called up in case the accused creates trouble, or in case of emergency. They should, however, not be visible from the room or the place where the parade is being held.*

*(vii) After the parade is arranged, one of the two respectable persons should be sent up to bring the accused from the lock-up. Care should be taken to see that when the accused is being brought from the lock up, the identifying witnesses do not have an opportunity of seeing him. They should be kept in quite a different room, out of sight of the lock-up.*

*(viii) At this stage, the Executive Magistrate/Honorary Magistrate should commence to write the memorandum. It should include:-*

*(a) the place at which and the date on which, parade is being held and the time at which it was commenced;*

*(b) the names, ages, occupations and the full addresses of the two respectable persons;*

*(c) the names and the approximate ages of the persons standing in the parade, mentioning clearly, one below the other, in numerical order their positions in the parade (which positions they should not be allowed afterwards to alter);*

*(d) the fact that no persons, other than those, in the parade and the two respectable persons, were allowed to remain in the room and that all police officers and constables were asked to withdraw; and*

*(e) that respectable person so and so fetched the accused from the lock-up, and that the identifying witnesses were in a different room, so that they could not see him being brought from the lock-up to the identification room.*

*(ix) when the accused is brought, the Executive Magistrate/Honorary Magistrate should ask him to take whatever place he likes in the parade. The place which he selects should be noted in the memorandum. For example, he may select to stand between numbers 3 and 4 in the parade; and it should then be noted that he took his position between Nos. 3 and 4 in the parade. The original*

*numbering of the persons in the parade should not be altered simply because the accused has now joined in.*

*(x) the accused should then be asked if he wants to make any alteration in his dress. He may change his cap or coat, or he may decide to put on (or remove) a cap or coat. He should be allowed to do this, and that fact should be noted in the memorandum. If he does not wish to change his dress, then that fact, too, should be noted in the memorandum.*

*(xi) Then one of the respectable persons should be asked to fetch the first identifying witness from the room in which he may be sitting. When the witness arrives, the Executive Magistrate/Honorary Magistrate should question him and ascertain from him whether he had an opportunity to see the culprit at any time subsequent to the offence of after the arrest. He may either record the statement separately or make reference to that statement in his memorandum. The witness should then be asked to view the parade carefully and see whether he would be able to identify the person, who, for instance; stabbed him or whom he saw firing a shot from a revolver, or whom he saw inside the flat in which a burglary may have taken place, or, as the case may be. The identifying witness will then go up and look closely at the parade. If he identifies any person, he should be asked to go forward and touch that person, and not merely to point him out from a distance. This is necessary in*

*order that there may be no doubt afterwards as to whom exactly he had identified. The fact that the identifying witness identified the accused, should be noted in the memorandum (along with the name of the accused) and, of course, also if he failed to identify him or identified a wrong person. It should further be noted whether the witness identified the accused straightway or after some hesitation or after first pointing out a wrong person and then correcting himself and pointing out the accused. When this is over, the identifying witness should be asked to go away into a different room and not to contact the remaining identifying witnesses. He may even be asked to go away”.*

25. It can thus be seen that the ratio as contemplated in clause (v) has not been maintained, in the sense, more than two accused were placed in similar Test Identification Parade by the *Tehsildar*. There is also a discrepancy in so far as applicant Rahulsingh Dudhane's appearance and description is concerned which is apparent that there was no match. Non suspects were not of the description of the applicant who admittedly is *Sikh* by religion with beard and turban. It is not clear whether guideline in (vii) has been strictly followed or otherwise.

26. Last but not the least, the prosecution in it's affidavit in reply tendered by one Sanket Satish Gosavi, Sub Divisional Police Officer

had, several times referred the said organized syndicate as “*Kishor Makadwala Gang*” which has a dubious distinction of committing offence of kidnapping, intimidation etc but the sanction order dated 2<sup>nd</sup> March, 2021 accorded by Additional Director General of Police nowhere indicates that the said Gang is known as “*Kishor Makadwala Gang*”. Though it reveals the name of Kishor Dadappa Mane, sanction order does not reveal any such gang by name “*Kishor Makadwala Gang*”. It is needless to comment more on the aspect while considering an application for bail.

27. In so far as rigour of Section 21 (4) (b) is concerned, as already discussed, the applicants have been incarcerated for more than three and half years ever since their arrests. Though, there are antecedents to their discredit, that itself will not restrict the powers of this Court to release them on bail in view of the shortcomings and lacunae stated hereinabove. The apprehension of the prosecution, in view of the past record of the applicants, can be taken care of by imposing certain stringent conditions.

28. Needless to state that these are *prima facie* observations *sans* merits of the case only to the extent of considering an application

for bail. The trial Court shall not get influenced with the observations made hereinabove.

29. Now, to the order.

**: ORDER :**

(a) Applications are allowed.

(b) Applicants viz: Vishal Jaysingh Machle, Rahulsing Tufansing Dudhane and Irfan Sikandar Shaikh shall be released on executing a P.R bond in the sum of Rs.1,00,000/- each with two solvent sureties in the like amount to the satisfaction of the Trial Court in Special MCOC Case No.47 of 2021 in connection with C.R. No.201 of 2020 registered with *Gokul Shirgaon* Police Station, District *Kolhapur* for the offences punishable under Sections 364 (A), 365, 368, 386, 341, 323, 504, 506 r/w 34 of the I.P.C and Sections 3 (1) (ii), 3(2), 3 (4) of the MCOC Act.

(c) The applicants shall attend the *Gokul Shirgaon* Police Station on every Tuesday and Saturday between

9.00 a.m and 11.00 a.m except on the days when they would be required to attend the Court;

(d) The applicants shall attend all the dates in the trial Court;

(e) The applicants shall not tamper with the evidence or attempt to influence or contact any of the witnesses or persons concerned with this case.

(f) The applicants shall surrender their passports, if any, to the Investigating Officer immediately.

(g) After release on bail, the applicants shall not indulge in any offence;

(h) The applicants shall not enter into *Kolhapur* District except for attending the Police Station and the trial Court;

(i) The applicants shall furnish their residential addresses and contact details to the respondent and

the Trial Court immediately after their release. In case of change in residential address or contact details, the same shall be forthwith informed to the trial Court and the respondent.

(j) In case of breach of any of the conditions hereinabove, liberty to the prosecution to seek cancellation of bail of the applicants.

30. The trial Court shall not grant unnecessary adjournments either to the prosecution or to the defence by keeping in mind the provisions of Section 309 of the Code of Criminal Procedure.

31. The applications stand disposed of in the aforesaid terms.

32. In view of disposal of the Bail Applications, pending Interim Applications also stand disposed of.

**[PRITHVIRAJ K. CHAVAN, J.]**