

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.133 OF 2024

Kishorbhai Govardhanbhai Rabadiya,
Age 43 years, Occ.Business,
R/o.Room No.302, Viraj Villa, Fulpada,
Katargaon, Surat, Gujarat.
(Presently at Thane Central Prison, Thane) Applicant
versus
The State of Maharashtra Respondent

Mr.PD.Kavale, Advocate for Applicant.
Mr.PP.Deokar, APP for State.
PSI Vijay Kolhe, Yavat Police Station, present.

CORAM : ANIL S.KILOR, J.
DATE : 9th October 2024

PC :

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.162 of 2022 registered with Pelhar Police Station, District Palghar, for the offences punishable under Sections 397, 365, 342, 120(B) of Indian Penal Code r/w Sections 3(1)(ii), 3(2), 3(4), 3(5) of Maharashtra Control of Organized Crime Act, 1999.
3. Applicant is in jail from last two and half years and the allegations against the Applicant is that he acted as a middle man to sale the stolen property involved in the present matter i.e. 100 gunny bags of betel nuts.
4. As far as trial is concerned, there is no progress in trial and there is unlikelihood that the trial will be concluded in the near future. In the above referred backdrop, considering the punishment

and the period of incarceration I am of the opinion that further custody of applicant is not necessary. In the circumstances, though learned APP is strongly opposing the application, I pass following order :

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No.162 of 2022 registered with Pelhar Police Station, District Palghar, for the offences punishable under Sections 397, 365, 342, 120(B) of Indian Penal Code r/w Sections 3(1)(ii), 3(2), 3(4), 3(5) of Maharashtra Control of Organized Crime Act, 1999 on furnishing PR.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- (iii) The Applicant shall attend Pelhar Police Station, District Palghar, on every 1st and 16th of every month between 10.00 a.m and 11.00 a.m till conclusion of trial, except on the date of trial;
- (iv) 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;
- (v) Liberty is granted to the State for cancellation of bail if the applicant breach any condition or misuses liberty or commits similar offence;
- (vi) The applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the trial Court for any reason.

(ANIL S.KILOR, J.)