

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 714 OF 2024

Bhima @ Bhishma Subhedar Chavan ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr Ramanik P. Pawar, Advocate for Applicant

Shri P.H.Gaikwad-Patil, APP for the State.

API Poonam S. Mane, Shivajinagar Police Station, Ichalkaranji, Dist. Kolhapur

CORAM : ANIL S. KILOR, J.

DATED : AUGUST 28, 2024.

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1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.233 of 2021, registered with Shivaji Nagar Police Station, Kolhapur for the offences punishable under Sections 384, 385, 386, 506 read with Section 34 of the Indian Penal Code and Sections 3(1)(i)(ii), 3(2), 3(4), 3(5) of the Maharashtra Control of Organised Crime Act, 1999 ("MCOC Act" for short).

3. In the present matter, accused No.2-Manish Nagori was enlarged on bail by the Special Court. The allegations against the applicant are that he was in contact with the accused Nos. 1, 2 and 3. It is further alleged that the applicant, along with the co-accused has made a gang by name “Vikya-Manya Gang”. Thus, except the material, that he made phone calls to the co-accused, there is no other evidence against the applicant. Even there is no recovery from the applicant and in absence of the sufficient evidence to show that the applicant is a member of the crime syndicate, it is doubtful whether the provisions of the MCOC Act are rightly invoked against the applicant. There is no evidence to show that the applicant had made any demand to the complainant or threatened or induced to part with the amount.
4. In the circumstances, since I am of the opinion that the role of the accused No.2 and the present applicant is similar, the applicant is entitled for grant of bail on the ground of parity.
5. The learned APP is strongly opposing the application. However, considering the above referred observations, I pass the following order:
 - i) The Criminal Application is allowed.
 - ii) It is directed that the applicant shall be released on bail in connection with Crime No.233 of 2021, registered with Shivaji Nagar Police Station, Kolhapur for the offences

punishable under Sections 384, 385, 386, 506 read with Section 34 of the Indian Penal Code and Sections 3(1)(i) (ii), 3(2), 3(4), 3(5) of the Maharashtra Control of Organised Crime Act, 1999, on furnishing P.R. Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;

- iii) The applicant shall not enter the territorial jurisdiction of Kolhapur District till conclusion of the trial, except for attending the trial.
- iv) The applicant shall provide his address and name of the nearby Police Station to the IO, which he shall attend on first and sixteenth day of every month between 10:00 a.m. and 11:00 a.m., till conclusion of the trial, except on the date of 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 to apply for cancellation of bail if the applicant commits similar offence or breaches any of the conditions for grant of bail.

- vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)