

Mohite gave a contract of killing to co-accused and before execution of such contract the co-accused were arrested in an offence under section 307 of the Indian Penal Code and during the custody they disclosed the fact of the contract.

4. Thus, mainly the allegation against the applicant is that he was the part of the conspiracy of giving contract to co-accused to kill Santosh Mohite.

5. The allegation of conspiracy is based on the documents seized from the applicant at Hyderabad Airport, which were in the name of Anil Mohite and from the documents, it is evident that those were relating to visit to Kathmandu.

6. It is alleged that the applicant visited Kathmandu on the travel tickets of Anil Mohite and bills were procured in the name of Anil Mohite to create a picture that at the relevant time Anil Mohite was in Kathmandu. However, the fact remains that the given contract for killing could not be executed because of arrest of the co-accused.

7. It is to be noted that there are no antecedents against the applicant and further nothing is pointed out that the applicant is a member of the syndicate.

8. Accordingly, since there is a reasonable ground to believe that the applicant is not guilty of the alleged offence and as there are no antecedents against the applicant, there is unlikelihood that the applicant would commit the similar offence, if he released on bail.

9. In the above referred backdrop, considering the role of the applicant and further the fact that the applicant is in jail from last two years, further custody of the applicant is not necessary. Hence, though the learned APP is strongly opposing the application, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.548 of 2022, registered with Chinchwad Police Station, Pune for the offences punishable under Sections 115, 120(B), 307, 341, 392, 143, 147, 148, 149, 504, 506(2), 465, 468, 471 and 201 of the Indian Penal Code, Section 3/25 of the Arms Act, Section 37(1) (3) r/w. 135 of the Maharashtra Police Act, Section 3, 7 of the Criminal Law Amendment Act and Section 3(1) (ii), and 3(4) of the Maharashtra Control of Organised Crime Act, 1999, on furnishing P.R.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;
- iii) The applicant shall attend the said Police Station on 1st and 16th day of every month between 10.00a.m. to 11.00 a.m., till the conclusion of the trial except on the date of trial;
- iv) The applicant shall surrender his passport, if any, with the IO.

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 in case of any breach of condition if the applicant commenced similar offence;

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

11. The application is disposed of .

(ANIL S. KILOR, J)