

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3243 OF 2024

Firoz Mohammed Shaikh ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr Manoj Mohite, Sr. Adv. a/b Shailesh D. Chavan, Advocate for Applicant

Mr Pandurang H. Gaikwad-Patil, APP for the State.

PSI J.D. Bhosale, Crime Branch Pune

CORAM : ANIL S. KILOR, J.

DATED : OCTOBER 16, 2024.

PC:

1. The affidavit tendered by the APP in the Court is taken on record.
2. Heard.
3. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.671 of 2022, registered with Bharati Vidyapeeth Police Station, District: Pune for the offences punishable under Sections 394, 395, 364A, 386, 387, 388, 120B of the Indian Penal Code and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 ("MCOC Act" for short).

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4. Though the provisions of the MCOC Act have been invoked against the applicant nothing is pointed out to show that the applicant is a member of the syndicate. There are no antecedents against the applicant except the present one. The allegations against the applicant are that when the informant was threatened and asked for Rupees Twenty Crores, the applicant was present along with Hemant Patil and Amar Kirdat who assaulted the informant. Except the said allegation there is no overtact or any role attributed to the applicant.
5. In the above referred backdrop if the period of incarceration of the applicant is considered, he is in jail from last about two years.
6. Thus, considering the material available on record and the nature of allegations, there is a reasonable ground to believe that the applicant is not involved in the alleged offence. Furthermore, since there are no antecedents against the applicant, there is no possibility that if the applicant is released on bail he will commit the similar offence.
7. In that view of the matter, 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.671 of 2022, registered with Bharati Vidyapeeth Police Station, District: Pune for the offences punishable under Sections 394, 395, 364A, 386,

387, 388, 120B of the Indian Penal Code and Sections 3(1) (ii), 3(2), 3(4) 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 attend the concerned Police Station on first and sixteenth day of every month between 10:00 am and 11:00 am, till conclusion of the 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 to apply for cancellation of bail if the applicant commits similar offence or breaches any condition for grant of bail.
- vi) 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)