

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

CRIMINAL BAIL APPLICATION NO. 2462 OF 2024

Akshay @ Atul Jairam Mandlik

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr. Aniket Vagal a/w Ms. Savvy Kolhekar & Juhi Kadu, Advocate for the Applicant.

Dr. Ashvini Takalkar, APP for Respondent/State.

Mr. Akshay Bankapur, Advocate for Informant.

CORAM : ASHWIN D. BHOBE, J.

DATE : 7th AUGUST, 2025.

P.C. :

1. Heard Mr. Aniket Vagal, learned Advocate for the Applicant and Dr. Ashvini Takalkar, learned APP for Respondent/State.

2. By the present Application, the Applicant is seeking bail in Crime No.37 of 2021, registered with Gangapur Police Station, Nashik is registered under the Maharashtra Control of Organized Crimes Act, 1999 (for short **"MCOC Act"**) for the offences punishable under Section 302, 120B, 115, 201, 109, 419, 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code, 1860 (for short **"IPC"**), Sections 4, 25 of the Indian Arms Act, 1925 and Sections 3(1)(i)(ii), 3(2), 3(4), 3(5) of the MCOCA. Said crime is registered as Special MCOCA Case No.237 of 2021 and the same pending before the Court of Additional Sessions Judge under **"MCOCA"**, Nashik.

3. There are 22 Accused persons in the present crime. Applicant is Accused No.2.

4. Applicant was arrested on 18th February, 2016, since then the Applicant is in jail. Bail Application No.2462 of 2024 filed by the Applicant at Exhibit – 137 in Special MCOCA Case No.237 of 2021 was rejected by the Additional Sessions Judge – 2, Nashik by its order dated 21st December, 2022.

5. Mr. Aniket Vagal, learned Advocate for the Applicant, submits that the Applicant is seeking bail on the sole ground of parity. He submits that the allegations against the Applicant in Crime No.37 of 2021 are that he is a member of a gang. He submits that Sachin Trimbak Mandlik (Accused No.-1) i.e. gang leader was released on bail by the Special Judge under MCOC Act, Nashik by order dated 28th July, 2022. He submits that Jagdish Trimbak Mandlik (Accused No. 13) who is a member of gang was released on bail by this Court by order dated 11th November, 2024 passed in Bail Application No.4232 of 2023. He tenders copies of the order dated 28th July, 2022 passed on Exhibit-136 in Special MCOCA Case No.237 of 2021 and order dated 11th November, 2024 passed in Bail Application No.4232 of 2023, same are taken on record and marked 'X' colly for identification. He by referring to the two orders, submits that the involvement of the Applicant is similar and identical to the involvement of Accused Nos. 1 and 13 as such he seeks bail on the ground of parity.

6. Dr. Ashvini Takalkar, learned APP for the State, submits that as per the charge-sheet, the involvement of the Applicant and the involvement of Accused No.1 and Accused No.13 is similar and

identical. She submits that since Accused Nos.1 and 13 have been granted bail, the case of the Applicant can be considered on the ground of parity.

7. Mr. Akshay Bankapur, learned Advocate for the Informant (Complainant), submits that the involvement of the Applicant in the present crime is similar and identical to the involvement of Accused No. 1 and Accused No.13, who are released on bail. He, however submits that the informant has reasonable apprehension of the Applicant tampering with evidence if released on bail and therefore seeks imposition of stringent conditions, which includes the Applicant being restrained from entering Nashik Municipal Corporation till the conclusion of trial.

8. I have perused the records and the orders dated 28th July, 2022 and 11th November, 2024 passed in Bail Applications filed by the Accused Nos.1 and 13, with the assistance of the Advocates of the parties.

9. Perusal of the charge-sheet reveals that the role assigned to the Applicant in Crime No.37 of 2021 is similar and identical to the role assigned to Accused No.1 and Accused No.13 in the said crime, as pointed out by Advocates Mr. Aniket Vagal, Dr. Ashvini Takalkar and Mr. Akshay Bankapur. Involvement of the Applicant being similar to that of Accused Nos.1 and 13 who are released on bail, the Applicant would be entitled to bail on the principle of parity.

10. Mr. Aniket Vagal, learned Advocate for the Applicant, on instructions of the Applicant, states that the Applicant shall not enter

the jurisdiction of the Nashik Municipal Corporation limits till the conclusion of trial in Sessions Case No.237 of 2021. Statement accepted.

11. In view of the above, Criminal Bail Application is allowed on the following conditions:-

(a) The Applicant - Akshay @ Atul Jairam Mandlik in connection with C.R. No.37 of 2021 with Gangapur Police Station, Nashik, shall be released on bail on his furnishing a P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.

(b) The applicant shall attend the Investigating Officer of Gangapur police station, Nashik, twice a month i.e. on 1 and 3rd Monday of every month between 11.00 am and 1.00 pm.

(c) The applicant shall not enter the territorial jurisdiction of the Nashik Municipal Corporation limits till the trial is concluded.

(d) Further the applicant shall not leave the Nashik District without intimation to the investigating officer or without permission of the trial Court.

(e) The applicant shall surrender his passport to the investigating officer.

(f) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not

enter the jurisdiction of Gangapur Police Station till the trial is concluded as all the witnesses and the intervener are residing in the same area.

(g) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(h) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(i) Liberty to the prosecution/intervener to make an appropriate application for cancellation of bail in case there is any breach of condition on part of the applicant.

12. Criminal Bail Application No.2462 of 2024 is allowed in the above said terms.

(ASHWIN D. BHOBE, J.)

Digitally signed
by GAYATRI
RAJENDRA
SHIMPI
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