

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4027 OF 2024

Ankush S. Thorat

...Applicant

V/s.

The State of Maharashtra

...Respondent.

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Mr. Bhomesh Bellam i/b Adv. Shailesh S. Kharat for the Applicant.
Mr. Tanveer Khan, APP for the Respondent/State.
PSI Shivraj Hale, Farazkhana Police Station, Pune city present.

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CORAM : N.R. BORKAR, J.
DATE : 22.04.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.216 of 2023 registered at Faraskhana Police Station, Pune city for the offences punishable under Sections 392, 364A read with 34 of the Indian Penal Code, Sections 3(1)(ii) and 3(4) of the Maharashtra Control of Organized Crime Act,1999.
3. According to the prosecution, the applicant is a gang leader of organized crime syndicate. On the date of incident, which took place on 26.10.2023, the first informant namely Amol Gujar and Jarnadhan Yadav went to Pavle Chowk Pune to drink tea. It is alleged that at that time on some trivial issue dispute arose between the first informant on one side and the applicant and other co-accused on other side. While the informant's friends were talking on the phone, the accused persons forced the informant to

sit in the auto rickshaw. Thereafter, they snatched the informant's phone and asked him the password of his Phone Pay account. It is alleged that they showed the informant a knife and threatened to kill him if he did not do so therefore the informant had to tell them the password. Subsequently, the accused persons halted at money transfer shops and after alighting from the auto rickshaw they threatened to kill the informant if he complained to the police. The accused persons handed the informant's phone back to him and fled the spot. Upon checking his phone, the informant found out that a sum of Rs.20,300/- had been transferred to an unknown mobile number (9766090369).

4. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.

5. Learned counsel for the applicant submits that just to involve the applicant in serious offence, false case came to be registered against him. It is submitted that the applicant is in jail for about 1 and $\frac{1}{2}$ years and the trial has not commenced. It is, thus, submitted that the applicant may be released on bail.

6. On the other hand, learned APP for the respondent/State submits that the applicant is the gang leader of organized crime syndicate. It is submitted that the applicant is involved in three more crimes of similar nature. It is submitted that considering the nature of crime, the applicant may not be released on bail.

7. I have perused the statement of rickshaw driver in whose

rickshaw the victim was allegedly abducted by the present applicant and other co-accused. There is nothing in his statement to infer that the first informant was forcibly made to sit in his auto-rickshaw. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

- A] The Application is allowed.
- B] The applicant be released on bail in C.R. No. 216 of 2023 registered at Faraskhana Police Station, Pune city for the offences punishable under Sections 392, 364A read with 34 of the Indian Penal Code, Sections 3(1)(ii) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- C] The applicant shall not enter into the limits of Pune district except to attend the dates before the trial Court till conclusion of the trial.
- D] The applicant shall attend the concerned police station, within whose jurisdiction he is going to reside after his release, once in a month ,i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.
- E] The applicant shall furnish his residential address and contact number, if any, to the Faraskhana Police Station.

[N.R.BORKAR, J.]