

Minal Parab

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1372 OF 2025**

Chandrakant @ Chandya Yashwant Gulalkar ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Enait Shaikh *for the Applicant.*
Mr. Yogesh Y. Dabke, APP *for the Respondent.*
PSI Navnath Waghmode, Dombivali Police Station.

CORAM Dr. Neela Gokhale, J.
DATED: 24th September 2025

PC:-

1. By way of this application, the Applicant seeks his release on bail in connection with C.R.No.61 of 2023 in Special Case No.594 of 2023 pending before the Special Judge, Thane, for offences punishable under Sections 392, 397, 506(2) and 34 of the Indian Penal Code, 1860; Sections 37(1) and 135 of the Maharashtra Police Act; and Sections 3(1)(ii), 3(2) and 3(4) of Maharashtra Control of Organized Crime Act, 1999 (for short 'MCOC Act').

2. The case of the prosecution, in brief, is that, the First Informant is engaged in the business of selling flowers in front of Dombivali Railway Station. The Complainant alleged that on 13.02.2023, he was carrying Rs.15,000/- in his pant pocket and Rs.3,000/- in his shirt pocket. While he was returning home from work, he stopped in front of Laxmi Store to have *pani puri*. The three accused accosted him and the accused No.1 - Chandrakant @ Motha Chandya put a knife on his stomach and accused No.2 - Aakash @ Wani Rathod held his hand. They threatened to kill him unless he gave his money to the accused. The Applicant herein took the key of the Informant's *Activa* but returned it to him immediately. On the basis of the said complaint made by the First Informant, the FIR came to be registered. It appears that there are cases pending against the accused, of which cognizance has been taken and hence MCOC Act was invoked. It is also the case of the prosecution that this is a gang and the object of the gang is to extort money from the innocent bypassers. There are 11 antecedents as against the accused No.1, who is said to be a

leader of the gang. According to the prosecution, this being an organized crime syndicate, of which the Applicant is a member, the provisions of the MCOC Act are invoked.

3. The Applicant made an application seeking bail before the Special Judge (MCOC), Thane. However, by order dated 02.08.2024, his bail application was rejected. Hence, the Applicant is before this Court for the reasons as aforesaid.

4. Mr. Enait Shaikh, learned counsel appearing for the Applicant submits that the Applicant is a member of the alleged gang headed by accused No.1 i.e. Motha Chandya. According to him, the Applicant is falsely implicated in the crime and MCOC Act is wrongly invoked. He also submits that the Applicant was arrested at 03.04.2023 and the charge-sheet is filed on 29.05.2023. He submits that no charges are framed as yet and it is unlikely that the trial will conclude in the foreseeable future. He thus submits that the Applicant be released on bail.

5. Mr. Yogesh Dabke, learned APP representing the State, submits that there are 4-5 witnesses to be examined and the trial is likely to be concluded soon. He has pointed out 11 antecedents of the first accused. He submits that this is a gang operated by the first accused of which the present Applicant is a member and it is evident from the material on record that they are habitual offenders, exploiting and extorting amounts from the passers-by. He further submits that there are two antecedents against the Applicant of a similar nature. He also submits that three persons have witnessed the commission of the said offence. He also points out the affidavit-in-reply filed on behalf of the State and affirmed by Mr. Suhas G. Hemade, Assistant Commissioner of Police, Dombivali Division, Thane City. On this basis, he submits that the bail application be rejected.

6. I have heard the counsel for both the parties and perused the record with their assistance. It appears from the case of the prosecution that the only act attributable to

the present Applicant is that he took the key of *Activa* belonging to the First Informant, but returned it immediately. However, they have charge-sheeted him as he was accompanying the main accused i.e. Motha Chandya, who has as many as 11 antecedents against him. Considering that even the charges are not yet framed and the trial is unlikely to conclude soon, there is no purpose in continuing incarceration of the Applicant.

7. In view of the aforesaid discussion, I am of the view that this is a fit case to grant bail and it is ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station once in a month between 11:00 a.m. and 02:00 p.m.;

iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iv) The Applicant shall not enter the jurisdiction of Dombivali District during the pendency of the trial, save and except only to attend the Police Station and the Trial Court as stipulated as conditions of this order;

v) If the Applicant has not deposited his passport, he shall deposit the same with the concerned Police Station;

vi) The Applicant shall not leave India, without the permission of the Trial Court;

vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or

mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

ix) The Applicant to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)