

**Order below Exh.126 in Spl. MCOCA Case No. 825/2021**

The accused No.14- **Mahesh Balbhim Sarode** was arrested on 08/04/2022 in connection with C.R.No. 332/2021, registered in Yerawada Police Station under Sec. 307, 395, 452, 504, 506, 427, 201, 188 of IPC, under Sec. 4 r/w. 25 of the Arms Act, Sec. 37(1) r/w 135 of the Maharashtra Police Act, Sec. 7 of the Criminal Law Amendment Act, Sec. 3 of Epidemic Diseases Act, Sec. 51(B) of Disaster Management Act and Sec.3(1)(ii), 3(2) and 3(4) of MCOCA. He has filed this application for bail under Sec. 439 of Cr.PC. He contends that this is his only bail application filed and no other application is pending in any other Court.

2. This is a case where the accused are charged for the offence under Section 307 of IPC and subsequently, they were prosecuted under MCOCA, in which the informant Vanraj Jadhav sustained no injury. As per prosecution story, a group of 30 to 40 persons came to the informant on 01/07/2021 at about 9.30 p.m. when he was chatting with his friends Megraj Bhist and Vaibhav Kamble and on the ground of previous dispute between them, they tried to assault him with an intention to kill him. The informant managed to escape and then all the accused went to his house and caused damage to the door of his house by means of the weapons like scythe and swords in their hands. One witness Amir Shaikh was proceeding to his house and co-accused Shubham Singh tried to give blow of sword on him but he missed and the injury to his right thumb was caused. All the accused also went to the house of maternal uncle of the informant under suspicion that he might be there. One Juled Shaikh had been to that house and he was assaulted by accused Ajay Kasabe on his left leg and snatched his

mobile phone. They also caused damaged to the vehicles standing nearby and went away from the spot.

3. Heard A.I. Shaikh, the learned advocate for the accused and Shri G.K. Khode, the learned APP. It has brought to the notice of the Court that the name of this accused is not mentioned in the FIR and he has been arrayed as an accused on the basis of CCTV footage. There is no allegation of any assault by this accused. The crime chart has been produced on record and there are 6 crimes registered against this accused but according to the learned advocate for this accused, they are not committed as the member of the alleged organized crime syndicate. The co-accused Shivraj Mirgal, Sandip Ghodeswar and Deepak Madne have been released on bail by the Hon'ble High Court. Accused Ashutosh Adagale, Tejas Danane and Rohit Bhonde have been released on bail by this Court. Therefore, according to the learned advocate, this accused is also entitled to be released on bail. He relies on the judgments in Prasad Purohit v/s State of Maharashtra [2017 ALL MR (Cri.) 4412], Manohar v/s State of M.P [2007 (3) MPHT 349] and also the bail orders passed by the Hon'ble Bombay High Court in Bail Application No.2149/2022 and Bail Application No.454/2023 wherein the bail was granted on the grounds of long incarceration, parity and non-application of MCOCA.

4. Having considered the fact that the element of monetary gain is completely absent in this case, it is doubtful whether the provisions of MCOCA would be attracted. There is no specific role attributed to this accused. He is the local resident and is not at flight risk. The prosecution is opposing this application on the ground that this accused was the member of organized crime syndicate but the record does not show such position. It is further contended that the

accused will commit similar offences or will pressurize the prosecution witnesses, if released on bail. According to me, the suitable conditions can be imposed to take care of such possibilities. The investigation is completed and charge-sheet is filed. Therefore, further detention of this accused does not appear to be necessary. The Hon'ble High Court is pleased to release three accused on bail and this Court has released other three accused on bail considering the observations made by the Hon'ble High Court. I am of the view that this accused can be released on bail on similar grounds.

5. Hence, for these reasons, I hold that the accused is entitled to be released on bail on certain conditions. Hence, the order.

### **ORDER**

1. Bail application is allowed.
2. The accused **Mahesh Balbhim Sarode** who was arrested on 08/04/2022 in connection with C.R.No. 332/2021, registered in Yerwada Police Station under Sec. 307, 395, 452, 504, 506, 427, 201, 188 of IPC, under Sec. 4 r/w. 25 of the Arms Act, Sec. 37(1) r/w 135 of the Maharashtra Police Act, Sec. 7 of the Criminal Law Amendment Act, Sec. 3 of Epidemic Diseases Act, Sec. 51(B) of Disaster Management Act and Sec.3(1)(ii), 3(2) and 3(4) of MCOCA, be released on bail on his furnishing P.R. of Rs.30,000/- with surety of the like amount on following conditions-
  - a) The accused shall not pressurize the prosecution witnesses and shall not indulge in any criminal activity.
  - b) The accused shall submit his address proof and phone details as well as phone details of his two close relatives.

c) The accused shall attend Yerwada Police Station on 5<sup>th</sup> day of every month till further order and maintain record of such attendance, which shall be signed by PSO of that police station and shall be produced before this Court as and when required.

3. Violation of any of the condition may intel a ground for cancellation of bail.
4. Bail application stands disposed of accordingly.

Pune  
Date: 13/11/2024

**(S.R. Salunkhe)**  
Special Judge (MCOCA), Pune.