

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, Court's or Judge's orders.
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CRIMINAL APPLICATION NO.: 348 OF 2015
HIRAMAN S/O SHAMRAO KALE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Kale Mahesh P.
 APP for Respondent: Mr. R. P. Phatke.

CORAM: T. V. NALAWADE, J.
DATED: 23rd FEBRUARY, 2015.

PER COURT:

1. This application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation.
2. Charge sheet is filed against the Applicant for offence under section 395, 397 of I.P.C. and section 3 (1) (ii), 3 (2), 3 (4) of MCOC Act.
3. In the present crime, there are allegations against him that he and his 6 to 7 associates intercepted the complainant on the night of 29th December, 2011 they assaulted him and robbed him of the cash amount of mobile hand set. The cash of Rs.20,000/- was taken away. Fortunately, a vehicle came there and due to that the applicant and his associates started running. Some villagers

gave chase and they held two dacoits like Ganesh and Shivaji. Two persons two more persons were arrested on the same night. The name of the present applicant was transpired and he came to be arrested on 15th January, 2012 and Sessions Court had granted bail to him on 14th February, 2012 in view of the material collected against him. Subsequently, the provisions of MCOC Act were added and the applicant came to be arrested again. This Court has seen the sanction order. The record shows that as many as 11 crimes were registered against him since the year 2002 for similar offences. In one case filed under section 395 of I.P.C. he came to be convicted on 28th July, 2009. The learned counsel for the applicant made a statement that in the appeal, filed against the said decision, the applicant was released on bail. Thus, after getting released on bail in that case the present applicant was again involved in similar crime. This circumstance is sufficient to refuse bail to him. Now the provisions of MCOC Act are used against him and as many as 11 cases were registered against him and most of the cases are pending against him. As per the report, in only one case investigation is pending and in the criminal cases were filed against him.

4. Learned A.P.P. submitted that one Bhagwan Kale, who also was not arrested on the spot and whose name transpired from the persons who were arrested from the

spot, is not given bail by this Court. Copy of the order made in Criminal Application No.6122 of 2014 is produced. Thus, similarly placed accused did not get bail. In view of these circumstances, this Court holds that the applicant is not entitled for bail.

5. Learned counsel for the Applicant submitted that the applicant is suffering due to ill-health and he is completely paralised in two legs. The jail authority will take care and give proper treatment to him.

6. In view of this, the application is rejected.

7. The trial Court is expected to dispose of the case within 6 months from the receipt of this order.

[T. V. NALAWADE, J.]

Dt.23/02/2015
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