

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.432 OF 2015

Sarjya s/o. Niluba @ Nilya Chavan ..Applicant

Versus

The State of Maharashtra and anr. ..Respondents

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Mr.S.A.Gaikwad, advocate for applicant

Ms.S.D.Shelke, APP for respondents - State

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CORAM : M.T. JOSHI, J.

DATE : MARCH 18, 2015

PER COURT :

Heard both sides.

2] Present applicant, who is arrested in Crime No.1 of 2011 registered with Kundalwadi Police Station, Dist. Nanded for the offences punishable under Section 3(1)(II), 3(2), 3(4) of the Maharashtra Control of Organised Crimes Act, 1999, is praying for release on bail. The applicant was arrested on 31st January, 2011.

3] Learned counsel for the applicant files on record a certified copy of the order passed by learned Judicial Magistrate F.C., Degloor in Crime No.106 of 2000 registered with Degloor Police Station, which would show that the applicant was discharged from the said offence by learned Judicial Magistrate F.C. The same is accepted on record and marked as "X" for the purpose of identification.

4] The record shows that the applicant has been already acquitted from the offence registered at Kundalwadi Police Station bearing Crime No.42 of 2009, however, seven cases registered against him are pending in the State of Andhra Pradesh.

5] Learned counsel for the applicant submits that his involvement in the present offence, like other cases, is merely because of the statement made by co-accused implicating his name.

6] Considering the fact that maximum punishment to be awarded in the present offences is five years and present applicant is behind the bars since long, in my view, he can very well be released on bail in the present crime.

7] Hence, the following order :-

a] Criminal Application is allowed;

b] The applicant be released on bail in Crime No.1 of 2011 registered with Kundalwadi Police Station, Dist. Nanded for the offences punishable under Section 3(1)(II), 3(2), 3(4) of the Maharashtra Control of Organised Crimes Act, 1999, on his executing P.R. Bond in the sum of Rs.20,000/- (Rs.Twenty Thousand) and also upon furnishing surety in the like amount;

c] In view of the fact that seven criminal cases are registered against the present applicant in the State of Andhra Pradesh, the Investigating Officer as well as the jail authority to take steps for transfer of the present applicant in those cases if he is not released on bail in those cases or his presence is required by the concerned police station.

[M.T. JOSHI, J.]

kbp