

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

Criminal Application No. 1570 Of 2015.

ANGAT S/O AMRUTA PAWAR
VERSUS
THE STATE Of MAHARASHTRA.

Appearance =>

Mr. Soheli Siddiqui, Advocate for the Applicant.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 13th April, 2015.

Per Court :-

Present Criminal Application is filed by the applicant for grant of regular bail in connection with CR No. I 30/2012 registered with Police Station, Pachod, District – Aurangabad for the offences punishable under Section.s. 395, 397 of the Indian Penal Code and under Section 3(I), 3(II), 3(IV) of the Maharashtra Control of Organised Crime Act, 1999.

[2] Heard Mr. Soheli Siddiqui, learned counsel for the applicant and Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State.

[3] According to the learned counsel for the applicant, the learned trial court has not applied principle of Parity and on the said count, present applicant is entitled to be released on bail.

[4] After hearing, learned counsel for the applicant and learned Additional Public Prosecutor for the State, it is clear that, accused who are released on bail by the trial court, as found, at that time, provisions of the Maharashtra Control of Organized Crime Act, 1999 were sought to be applied against the persons, released on bail. At that time, two offences were not registered against the said persons. Such is not case in so far as present applicant is concerned.

[5] Against the present applicant, following cases are pending.

CR NO. 104/1998. Police Station, Gondi, Tal. Ambad, Dist. Jalna, for the offence punishable under Section 395 of the Indian Penal Code. (R.C.C.No.70/1999.)

CR NO. 59/2010. Police Station, Gondi, Tal. Ambad, Dist. Jalna, for the offences punishable under Section/s 395, 307, 323, 337 of the Indian Penal Code. (R.C.C.48/11.)

CR NO. 30/2012. Police Station, Gondi, Tal. Ambad, Dist. Jalna, for the offences punishable under Section/s 395 of the Indian Penal Code and under Section 3(1) (2) of the Maharashtra Control of Organised Crime Act, 1999.

Further from the present applicant recovery of mobile phone is made which was stolen from the house of the first informant. The learned Additional Public Prosecutor has pointed out to me and also it is observed by the Special Judge in order dated 16/09/14 that the case is fixed for framing of charge however, the present applicant is indulging in dilatory tactic and avoiding to frame the charge.

[6] Further earlier applications of the present applicant were also rejected by the learned trial court. Since the present applicant is using dilatory tactic, in prolonging the trial, the applicant is not entitled for discretionary relief. Hence, application is rejected.

(V.M. DESHPANDE, J.)