

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6027 OF 2014

Poshati @ Kartik S/o Ramesh Shinde,
Age 30 years, Occu.: Agril.,
R/o. Kavtha Road, Basmat (Govindnagar)
Tq. Basmat, District – Hingoli .. Applicant

VERSUS

The State of Maharashtra .. Respondent

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Mr. Gaurav Deshpande, Advocate i/b. Mr. G.L. Dahad, Advocate
for the applicant
Mr. S.P. Daund, APP for the respondent-State

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CORAM : M.T. JOSHI, J.

DATED : 22/01/2015

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is arrested by Kundalwadi Police Station, Dist. Nanded in Crime no.1 of 2011, registered for the offences punishable under section 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, is praying for his release on bail.

3. The applicant's earlier application bearing Criminal Application No. 4436/2013 was rejected by this Court vide order dated 10th September, 2013. Thereafter the present applicant moved the Supreme Court of India by filing Special Leave to Appeal (Criminal) No. 6837/2014 and the Hon'ble Supreme Court of India, vide order dated 21st April, 2014, granted liberty to the present applicant to move this Court again in case the trial is not concluded within a period of six months. Though the earlier order dated 10th September, 2013 was passed in the applicant's earlier application being Cri. Application No. 4436/2013 by the another Bench of this Court, in view of the administrative order of the Hon'ble the Chief Justice of the High Court of Bombay, communicated vide communication dated 12th December, 2014, the present application is placed before this Court.

4. The offence is punishable for a period of five years' rigorous imprisonment. The affidavit of the Investigating Officer would show that on an earlier occasion before this Court, he has wrongly made a statement that in all 22 cases were pending against the

present applicant. Now it has become an admitted fact that two crimes are pending against the present applicant for the offences punishable under section 395 of the I.P. Code, in which he is already released on bail. In the circumstances, when the date of arrest of the present applicant is 25th May, 2012 and the trial is yet to begin, in view of the ratio of the Apex Court in the case of **"Dattatray Krishnaji Ghule V. State of Maharashtra and another"** AIR 2007 S.C. 1133, taking into consideration all the above facts on record, in my view, the applicant deserves to be released on bail on certain conditions. Hence, the following order:-

5. The applicant be released on bail in Crime no. 1 of 2011 registered with Kundalwadi Police Station, District Nanded for the offences punishable under section of 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, upon his executing P.R. bond in the sum of Rs.50,000/- (Rs. Fifty Thousand) and also upon furnishing two sureties in the sum of Rs.20,000/- (Rs. Twenty Thousand) each.

. The applicant shall not attempt to influence any of the prosecution witnesses in any manner.

. The application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

npj/criapln6027-14