

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2519 OF 2014

Sachin Sarjerao Garje ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Pankaj D. Kavale, Advocate for the applicant.
Ms. Veera Shinde, APP for the respondent/State.
I.O. Mr. S.B. Suryawanshi, ACP, Panvel Division, Additional Port Division,
Navi Mumbai present.

CORAM : MRS.MRIDULA BHATKAR, J.
RESERVED ON : JUNE 25, 2015
PRONOUNCED ON : JULY 2, 2015

ORDER:

This Application is moved for bail, as the applicant/accused is prosecuted for the offences committed under sections 307, 387, 506(2), 120B r/w. 34 of the Indian Penal Code, under sections 3, 25, 27 of the Arms Act and under section 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act in C.R. No. I-65 of 2011 registered with Nhava Sheva Police Station, Raigad. The offence is committed on 26th December, 2011 and the applicant was arrested on 17th February, 2012.

2. It is the case of the prosecution that the complainant is working as a supervisor in one construction company. On 26th December, 2011 when he was present on the site, two persons arrived in the office and out of

them, one person said that they are working under Vikrant Deshmukh and enquired about the employer of the complainant. They threatened him to tell his employer to meet their boss and to close down the construction site. Thereafter, one person took out the country revolver, loaded one cartridge and pointed the revolver towards the complainant and said that if they start the construction work, then the complainant and his employer both will be killed. The complainant and his colleagues were frightened. Thereafter the persons fired the revolver towards the office and then took the black motorcycle and went away. Hence, he gave the complaint. Thereafter applicant was arrested and hence this Application.

3. The learned counsel for the applicant/accused submitted that the applicant/accused has good case on merits. There is no evidence against the applicant/accused. Whatever evidence was collected by the police on the point of identification is very weak. Assuming that the applicant went to the office, but it is not that he had threatened the complainant. The applicant has not committed any offence. The learned counsel submitted that the applicant does not have any criminal record and he was not involved in any continuous illegal activity, which is the requirement under MCOC Act. The applicant/accused is falsely implicated in the crime. There is no admissible evidence against the applicant.

4. Learned APP opposed the Application. He relied on the papers of investigation, seizure of pistol from the applicant/accused and Test Identification parade.

5. Perused the FIR. It appears that it is a case of demand of ransom. The complainant has given description of the persons who had arrived there and thereafter there is evidence of Test Identification Parade, which has taken place on 21st May, 2012 wherein one eye witness identified him that he had come to the office and threatened. Moreover, on the personal search of accused, one country revolver was found. The police collected evidence on the point that they are the members of a gang headed by Vikrant Deshmukh, who is involved in continuous illegal activity. Earlier, the police have filed two charge sheets against the gang of Vikrant Deshmukh of the similar nature. Considering the nature of offence, I am not inclined to grant bail especially in view of rider of Section 21 of the MCOC Act. Hence, the Application for bail is rejected.

(MRS.MRIDULA BHATKAR, J.)