

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 974 OF 2016

RAJU S/O NILUBA CHAVAN
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Satish A. Gaikwad.

APP for Respondent : Mrs. R. K. Ladda.

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CORAM : **INDIRA K. JAIN, J.**

DATE : 27th April, 2016.

ORDER:

. This is an application for regular bail in Crime No.1 of 2011 registered at Kundalwadi Police Station, District Nanded for the offences punishable under Sections 3(1)(2), 3(2) and 3(4) of the Maharashtra Control of Organized Crimes Act.

2 Heard the learned counsel for parties. Perused police papers.

3 It is not in dispute that earlier bail applications preferred by Applicant were dismissed being withdrawn vide orders dated 9th April, 2015 and 22nd July, 2015. Learned counsel for Applicant submitted that there is substantial change in circumstances and so this

successive application for bail has been preferred. It is submitted that Shankar Niluba Chavan prime Accused filed Criminal Application No.6952 of 2015 before this Court and vide order dated 4th February, 2016 he has been released on bail. Learned counsel submits that case of Applicant is on better footing and on the rule of parity he deserves his enlargement on bail.

4 Learned APP opposed the application on the ground that earlier on two occasions applications filed by Applicant were dismissed. Learned APP submits that offences alleged are serious in nature and since there is no change in circumstance application deserves to be dismissed.

5 Perused earlier orders passed by this Court rejecting the applications moved by Applicant for bail and also perused order dated 4th February, 2016 in Criminal Application No.6952 of 2015. Police papers would indicate that Applicant is booked independently under the provisions of MCOC Act and no substantive offence under the Indian Penal Code is alleged against him. Report further indicates that eight offences were registered against Applicant between 2002 and 2006. He was acquitted in three cases, convicted in one and others are pending before the Courts. Record further shows that sixteen

offences were registered against co-accused Shankar between 2000 and 2009. He has been acquitted in seven offences which were registered in the State of Andhra Pradesh.

6 Further papers of investigation would indicate that Applicant is on better pedestal than co-accused Shankar who has been released on bail as stated above. In this premise on the rule of parity Applicant would deserve his enlargement on bail. Hence the following order –

ORDER

- I. Criminal Application No.974 of 2016 is allowed.
- II. Applicant is released on bail in Crime No.1 of 2011 registered at Kundalwadi Police Station, District Nanded for the offences punishable under Sections 3(1)(2), 3(2) and 3(4) of the Maharashtra Control of Organized Crimes Act on P.R. and S.B. of Rs.20,000/- (Rupees Twenty Thousand Only) each.

III. Applicant shall not tamper with the prosecution evidence and shall make himself available as and when required for investigation.

IV. Bail before the Trial Court.

[INDIRA K. JAIN, J.]

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