

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 2631 OF 2016**

Pandu @ Irrapp @ Irba  
S/o Hanumant @ Gangaram Chavan .. Applicant

**Vs.**

The State of Maharashtra and anr. .. Respondents

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Mr. J.V. Deshpande, Advocate and Mr. B.N. Magar,  
Advocate for the applicant  
Mr. S.Y. Mahajan, APP for the respondent-State

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**CORAM : N.W. SAMBRE, J.**  
**DATE : 30/06/2016**

**ORAL ORDER :**

Heard.

2. Leave to correct name of applicant is granted. Amendment be carried out forthwith.

3. The applicant is seeking regular bail in Crime no. 1 of 2011 registered at Kundalwadi Police Station, Dist. Nanded for the offences punishable under section 3(1)(2), 3(2), 3(4) of the Maharashtra Control of Organized Crimes Act (for short "**MCOC Act**").

3. It is brought to my notice by learned counsel for the applicant that the applicant is entitled to be released on bail, even though the provisions of MCOC Act are invoked in crime no.1 of 2011, as the applicant is behind bar since last more than 4 years.

3. He would submit that there is no substantial offence in which the applicant is arrested and it is on the basis of existing crime, the provisions of MCOC Act are invoked against the applicant.

4. He would then submit that the matter is covered by the order dated 4<sup>th</sup> February, 2016 passed by this Court in Criminal Application No. 6952 of 2015 in the matter of *Shankar S/o Niluba Chavan Vs. The State of Maharashtra and anr.*

5. The learned A.P.P., though is not disputing the above referred factual position, however, according to him, the applicant's application be

rejected, as the charge in the matter is already framed and this Court may expedite the trial. According to him, once released on bail, the applicant might not co-operate in the trial.

6. In my opinion, once it is noted that the applicant's case is already covered by order dated 4<sup>th</sup> February, 2016 passed by this Court, referred supra, the applicant needs to be enlarged on bail, however, the contingency, as is expressed by the learned A.P.P. can be taken care of, by directing the present applicant to attend the trial regularly by not seeking unnecessary exemptions. In view of above, the following order:-

7. 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)(2), 3(2), 3(4) of the Maharashtra Control of Organized Crimes Act, upon his executing P.R. bond in the sum of Rs.25,000/- (Rs. Twenty Five

Thousand) with one surety in the like amount and on furnishing an undertaking before the learned Court below, that he shall regularly appear before the Court, by not seeking unnecessary exemptions and shall not protract the trial.

8. If it is noticed by the learned Court below that the applicant is protracting the trial, the Court below will be at liberty to proceed with the cancellation of bail of the applicant.

9. Criminal Application stands disposed of accordingly.

**[N.W. SAMBRE]**  
**JUDGE**

arp/-