

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5643 OF 2016

Dalbeersing S/o Lalsing Pahredar
@ Lalla Lalsing Sevarar,
Age : 22 years, Occu.: Nil,
R/o. Sanchkhand Gurudwara Gate No.1,
Nanded, Tq. & Dist. Nanded .. Applicant

Vs.

The State of Maharashtra
through Police Inspector,
Vazirabad, Nanded .. Respondent

Mr. S.A. Gaikwad, Advocate for the applicant
Mr. A.V. Deshmukh, APP for the respondent/State

CORAM : A.S. CHANDURKAR, J.
DATE : 22/12/2016

ORAL ORDER :

Heard.

2. The applicant, who has been arrested on 10/5/2010 in connection with Crime no.3014 of 2010 registered with Vazirabad Police Station, District - Nanded for the offences punishable under Sections 3(1) (2), 3(2), 3(3) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999, seeks his release on bail.

3. It is submitted by learned counsel for the applicant that another co-accused in the very same crime has been released on bail as per order dated 17/10/2016 in Criminal Application no.4249 of 2016. It is submitted that case of the present applicant is similar to the case of said accused on the ground that there is no substantial offence under the Indian Penal Code registered against the applicant and that only by taking into consideration his past record, he has been booked in the present crime. It is further submitted that out of three crimes mentioned in the FIR, applicant has been acquitted in two of the crimes. It is therefore prayed that applicant be released on bail.

4. Application is opposed by learned Additional Public Prosecutor by submitting that considering the earlier history of the applicant, he has been booked in the present offence. Applicant was found to be a member of the crime syndicate and has been committing various offences. It is therefore submitted that application deserves to be rejected.

5. Perused the FIR as well as the order dated 17/10/2016. I find that case of the present applicant is similar to the case of the co-accused who was released on bail as per aforesaid order. In addition, the present applicant has been acquitted in Crime no.120 of 2005 as per judgment dated 26/6/2012 in Regular Criminal Case No.790 of 2005 as well as Crime no.55 of 2008 in Sessions Case no. 84 of 2008.

6. Hence, for the reasons assigned in order dated 17/10/2016 in Criminal Application No.4249 of 2016 as well as the reasons assigned in the earlier paragraph, the Application deserves to be allowed.

7. Hence, the following order :-

I) The applicant is directed to be released on bail in Crime no.3014 of 2010 registered with Vazirabad Police Station, District - Nanded for the offences punishable under Sections 3(1)(2), 3(2), 3(3) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999, upon furnishing P.R. bond of Rs.25,000/- with one or more solvent sureties in the like amount.

II) The applicant shall however abide by the following directions :-

(a) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(b) The applicant shall not tamper with the prosecution evidence in any manner and shall co-operate the learned trial Judge in expeditious disposal of the trial against him.

(c) The applicant shall not repeat commission of similar type of offences in future.

8. Criminal Application stands disposed of in the above terms.

[A.S. CHANDURKAR]
JUDGE

arp/