

(1)

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

CRIMINAL APPLICATION NO.5987 OF 2016

Sagar s/o Chandrasen Lokhande,
Age: 23 years, Occ: Labourer,
R/o. At post Khirdi Ganesh,
Tq. Kopargaon, Dist. Ahmednagar. ..APPLICANT

VERSUS

The State of Maharashtra
Through Police Station Officer,
Kopargaon City Taluka Police
Station, Dist. Ahmednagar & anr ..RESPONDENTS

WITH

CRIMINAL APPLICATION NO. 5984 OF 2016

Pawan s/o Trimbak Dibre,
Age: 19 years, Occ: Labourer,
R/o. Shankar Nagar, Shashank
Apartment, Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar. ..APPLICANT

VERSUS

The State of Maharashtra
Through Police Station Officer,
Kopargaon City Taluka Police
Station, Dist. Ahmednagar & anr ..RESPONDENTS

Mr Abasaheb D. Shinde, Advocate for applicants;
Mr C.V. Dharurkar, Addl. Public Prosecutor for
respondents

CORAM : A.S. CHANDURKAR, J.

DATE : 13th DECEMBER, 2016

(2)

ORAL ORDER :

The applicants, who have been arrested in connection with Crime No. I-190 of 2015 registered with Kopargaon City Police Station, Taluka Kopargaon, District Ahmednagar, for the offences punishable under Sections 307, 395, 120-B, 326, 148, 143, 147, 149, 504, 506 of the Indian Penal Code read with Sections 3/25 and 4/25 of the Arms Act and Section 3(1)(ii), 3(2) and Section 3(4) of the Maharashtra Control of Organized Crime Act, 1999 seek their release on bail.

2. As per the first information report, it is stated that the applicants along with other accused had been to the house of the informant making inquiry as to why information had been given by him in relation to one Santosh Waikar to the police authorities. On 3rd October, 2015 the accused persons who were armed with sticks had been to the house of informant and threatened him. His father was hit by fist and kicks. On that basis, the aforesaid crime came to be registered.

(3)

3. It is submitted by the learned Counsel for the applicants that on the basis of the statement made in the first information report, the only allegation is that the applicants were armed with *katti* while main accused was armed with pistol and knife. The alleged injuries are simple in nature. Both the applicants are students and merely to make out the offence under the Maharashtra Control of Organized Crime Act, subsequent offence has been registered. It is then submitted that as the investigation is complete and the charge sheet has been filed, they be released on bail.

4. The application is opposed by the learned Additional Public Prosecutor by submitting that the offence is serious in nature. The weapons in question have been seized from the applicants. Considering the fact that they are members of *gang* in question, they do not deserve to be released.

5. Perused the first information report as well as the charge sheet. Same indicate the attempt

(4)

by the applicants to assault the family members of the informant after giving threats. The accused Santosh who is not before the Court was armed with pistol and knife. The offences under the Act of 1999 appear to have been registered on the basis of subsequent offences. Considering the fact that the applicants have been behind bars for considerable period after which the investigation is complete and the charge sheet has also been filed, further detention of the applicants is not warranted.

6. In view of aforesaid, the following order is passed : -

: O R D E R :

(i) The applicants are directed to be released on bail in connection with Crime No. I-190 of 2015 registered with Kopargaon City Police Station, Taluka Kopargaon, District Ahmednagar, for the offences punishable under Sections 307, 395, 120-B, 326, 148, 143, 147, 149, 504, 506 of the Indian

(5)

Penal Code read with Sections 3/25 and 4/25 of the Arms Act and Section 3(1)(ii), 3(2) and Section 3(4) of the Maharashtra Control of Organized Crime Act, on furnishing P.R. bond of Rs.20,000/- each, with one surety in the like amount.

(ii) The applicants shall attend the Court of learned Sessions Judge, Nashik on 20th of every month and thereafter as per the directions of the learned Sessions Judge and co-operate in the trial.

(iii) The applicants shall not take any steps to influence the prosecution witnesses.

7. The aforesaid observations are made only for the purposes of deciding present application.

8. Criminal Applications are allowed and disposed of.

(A.S. CHANDURKAR, J.)