

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1135 OF 2016

Mr.Vishwanath Maranna Shetty ...Applicant

Versus

The State Of Maharashtra ...Respondent

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Mr.Ashwin Thool i/b. Reshma J. Mutha, Advocate for Applicant.

Mr. S.H. Yadav, APP, for the State.

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CORAM : R. G. KETKAR, J.

DATE : 28th June, 2016

P.C.

1. Heard Mr.Ashwin Thool, learned Counsel for the applicant and Mr.S.H. Yadav, learned APP for the respondent-State.

2. By this application under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), the applicant-accused No.9 prays for enlarging him on bail in M.C.O.C. Special Case No.10 of 2010 arising from D.C.B. C.I.D. C.R. No.60/2010 registered at Tilaknagar Police Station, transferred C.R. No.122/2010. The said C.R. was registered for the offences punishable under Sections 452, 302 and 34 Indian Penal Code, 1860 (for short, 'I.P.C.') read with Sections 3(1)(i), 3(2), 3(4) and

3(5) of the Maharashtra Control of Organized Crime Act, 1999 (for short, 'M.C.O.C. Act').

3. By order dated 9.12.2015, earlier application for bail was rejected on merits reserving liberty to the applicant to apply for bail after six months depending upon outcome of the prosecution in ensuring framing of charges in presence of accused No.2 – Mohd. Sakib Shahnawaz Alam Khan.

4. As the charges were not framed within six months, the applicant has taken out the present application. Mr. Yadav submitted that the charges at Exhibit-402 have been framed yesterday i.e. 27.6.2016. In view thereof, present application is allowed to be withdrawn with liberty to file fresh bail application before the Special Judge. The learned Judge will decide said application on its own merits and in accordance with law. All contentions of the parties on merits, including ground of delay in framing the charges, are kept open. Order accordingly.

(R. G. KETKAR, J.)