

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1387 OF 2016

Shri Aaba @ Santosh D. Waghmare	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Prashant S. Hagare, Advocate for the applicant.
Mr. S.H. Yadav, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 19th September, 2016.

P.C.

1. This is an application under Section 438 of Cr.P.C. The applicant herein is apprehending his arrest in C.R. No.97 of 2016 registered at Kharghar Police Station, Dist. Raigad for the offences punishable under Sections 364A, 385 read with Section 34 of the Indian Penal Code. The first information report is lodged on 27.3.2014. On 21.8.2016, the provisions of the Maharashtra Control of Organised Crime Act, 1999 (for short, MCOCA) have been applied to the said case.

2. The learned APP rightly submits that Section 21 sub-clause (3) of the MCOCAS 1999 contemplates as follows :-

“(3) Nothing in Section 438 of the Code shall apply in

relation to any case involving the arrest of any person on an accusation of having committed an offence punishable under this Act.”

Hence, the applicant who is being prosecuted under the provisions of MCOCA would not be entitled to such relief under Section 438 of Cr.P.C. Hence, the application being sans merits, stands rejected.

(SMT.SADHANA S.JADHAV, J.)