

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1316 OF 2016

IN

CRIMINAL APPEAL NO.84 OF 2016

VINOD @ SAI DAMODAR GHOGALE)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Pankaj Kavale, Advocate for the Applicant.

Mr.A.R.Kapadis, APP for the Respondent – State.

Mr.A.Rasal, DCB CID, Unit VII present in court.

CORAM : A. M. BADAR

DATE : 15th NOVEMBER 2016.

P.C. :

1 This is an application for grant of temporary bail by convict in M.C.O.C. Special Case No.2 of 2010 and M.C.O.C. Special Case No.7 of 2010 arising out of DCB CID C.R.No.154 of 2009 which is corresponding with Crime No.286 of 2009 registered at Vikhroli Police Station.

2 Heard the learned counsel for the applicant / accused. He argued that mother of the applicant is suffering from cervical cancer and as there is nobody to look after her, the applicant be released on temporary bail for a period of 3 months.

3 The learned APP relied on report of the In-charge Police Inspector of Crime Branch, Ghatkopar, Mumbai, and submitted that earlier the applicant had not mentioned the period for which he seeks release on temporary bail.

4 Perusal of the report of the In-charge Police Inspector shows that mother of the applicant is suffering from cervical cancer. The In-charge Police Inspector further reported that two sisters of the present applicant are also residing at Mumbai.

5 The applicant / accused was convicted for the offences punishable under Sections 3(2) and 3(4) of the M.C.O.C. Act by the Special court and he was sentenced to suffer rigorous

imprisonment for 10 years and to pay a fine of Rs.5 Lakh, in default, to undergo rigorous imprisonment for 3 years.

6 Section 21 of M.C.O.C. Act mandates that the accused punishable for the offences under the M.C.O.C. Act cannot be released on bail unless the court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offences.

7 In view of statutory bar of Section 21 of M.C.O.C. Act, no case for temporary bail is made out.

The application is rejected.

(A. M. BADAR, J.)