

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 237 OF 2016

(GANESH @ GOLDI JANMOJAY KUTE...VS..STATE OF MAH. THR. PSO PS NANDANVAN, NAGPUR)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : MAY 02, 2016.

Heard Shri D.V.Chauhan, advocate for the
 applicant and Shri A.D.Sonak, A.P.P. for the non-applicant.

The applicant is arrested on 21st June, 2014 in
 crime registered against accused persons (including the
 applicant) for the offences punishable under Sections 306,
 302, 120-B, 149, 143, 144, 148, 506B of the Indian Penal
 Code, Sections 4 and 25 of the Indian Arms Act and Section 3
 of the Maharashtra Control of Organised Crime Act, 1999.

In Criminal Application (BA) No. 691 of 2015 this
 Court has recorded in the order dated 28th January, 2016
 that there is no other charge-sheet with the organized
 syndicate led by Shri Jagdish showing the involvement of the
 present applicant and therefore, *prima-facie*, charges levelled
 against the applicant under the Maharashtra Control of
 Organised Crime Act, 1999 cannot be applied. This Court
 granted liberty to the applicant to move the Special Court for
 grant of bail and the learned trial Judge was directed to
 consider the application of the applicant bereft of the
 provisions of the Maharashtra Control of Organised Crime
 Act, 1999. Accordingly, the applicant applied before the
 Special Court, but the application is rejected.

The charge-sheet is filed on 16th November, 2014. The investigation is complete. Though the application is opposed and one of the submission made on behalf of the non-applicant is that the order passed by this Court in Criminal Application No. 691 of 2015 is challenged before the Hon'ble Supreme Court, in my view, considering the facts on record, the applicant is entitled to be released on bail, however, on certain conditions.

Hence, the following order :

- i) The applicant, having been arrested in Crime No. 239 of 2014 registered by the non-applicant, he be released on bail on furnishing P.R. Bond for Rs.Fifty Thousand and two solvent sureties in the like amount out of which one solvent surety shall be furnished by the father of the applicant.
- ii) The applicant shall deposit his passport with the Investigating Officer. If the Passport Authority has not issued passport in the name of the applicant, the applicant and his father shall submit an affidavit to that effect to the Investigating Officer before the applicant is released on bail.
- iii) The applicant shall give the cellphone number of the applicant and his father.
- iv) The applicant shall regularly attend the trial on every date unless granted exemption by the Special Court.

The application is allowed in the above terms.

CRI.APPLN.(APPP) NO. 386/2016.

In view of disposal of the main application, the application for time to file certified copy of order does not survive, hence, it is disposed of.

JUDGE

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