

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

6 CRIMINAL APPLICATION NO. 1291 OF 2017

NARAYN S/O NAMDEO WAIKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Shinde Abasaheb D.
APP for Respondent/State : Mr. S.W. Munde
...

CORAM : T.V. NALAWADE, J.
DATED : April 13, 2017.

ORDER :

1. The application is filed for bail. Both the sides are heard. The papers of investigation were made available to this Court for perusal.

2. The application is made in a case filed in C.R. No. 118/15 registered in Shirdi Police Station for the offences punishable under sections 394, 323, 34 of Indian Penal Code and under the provisions of Maharashtra Control of Organised Crime Act, 1999 (MCOC Act). The material collected shows that the incident in question took place on 28.5.2014 in the night time. Three persons were on motorcycle. They had intercepted the transport vehicle of complainant Shri. Bhausaheb Gaikwad and then they had robbed him of cash amount, one China mobile and other articles.

3. The present applicant came to be arrested on 21.8.2015, within three months of the date of incident. It appears that cash amount of Rs.2000/- each is shown to be recovered under section 27 of the Evidence Act. There is the record of test identification parade showing that the witness had identified the applicant. Thus, there is sufficient material on the record to show the involvement of the applicant for aforesaid offences. The papers and permission given for filing case in the proceeding of MCOC Act shows that in the year 2015 itself as many as four cases including the present matter were registered against the applicant. Prior to that as many as 10 cases were registered against him for similar offences punishable under sections 397, 379 etc. of I.P.C. The persons, who were his associates in this crime, were common and the material is sufficient to infer that they had formed a gang for commission of such offences. More than one chargesheets were filed within the period of 10 years before granting of permission to use the provisions of MCOC Act. In view of these circumstances, there is bar of section 21 of MCOC Act for granting bail. It cannot be said that he will not commit similar offence, if he is granted bail. It cannot be said that there are no reasonable grounds that he is not guilty of the offence. There is more than sufficient material

on record to make out the aforesaid case. This Court holds that it is not a fit case where bail can be granted. In view of these circumstances, this Court holds that bail cannot be granted to him.

4. In the result, the application stands rejected. The Trial Court is expected to dispose of the case expeditiously and in any case, within six months from the date of receipt of this order.

[T.V. NALAWADE, J.]

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