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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 190 OF 2017

Dnyaneshwar Dashrat Ghule

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Ramesh Dube i/b Shama Mulla for Applicant.

Mr. Ameet Palkar APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 6th DECEMBER 2017

P.C.:

1] Heard. This is an application under Section 439 of Cr. P.C. The applicant herein is arrested on 29.11.2015 in Crime No.3019 of 2015 registered at Wadhivare Police Station, Nashik. The investigation is completed and chargesheet is filed against the applicants for the offences punishable under Sections 3(1)(ii), 3(2), 3(4) and 3(5), 4 and 24 of the Maharashtra Control of Organised Crimes Act, 1999 (hereinafter referred to as "MCOCA").

2] Heard the learned Counsel for the applicants and the learned APP. Perused the chargesheet.

3] The prosecution case in nutshell is that, one Sampat Ghorpade

(applicant in Bail Application No.579/2017) is the head of Organised Crime Syndicate in the present crime and he along with other accused is indulged into black marketing of essential commodities/foodgrains which are meant for benefit of people at large and particularly for the people of economical weaker class. It is alleged that the principal accused namely Sampat Ghorpade used to purchase food-grains and other essential commodities on low price from the Government authorised Distributors and thereafter used to sell it at high price to the needy people. Therefore a CR bearing No.22 of 2015 is registered against him with the Wadiwarha Police Station, Nashik (Rural). During investigation, it was revealed that the said Sampat Ghorpade indulged in the activities as contemplated under the provisions of MCOCA and after following due process of law and prior approval under Section 23(1)(a) of the MCOCA, the provisions of said Act is applied to the said crime. After completion of investigation, competent authority accorded sanction under Section 23(2) of the said Act.

4] The applicant was a driver on the Truck of Sampat Ghorpade and was a paid employee. The said fact can clearly be discerned from the statement of the applicant recorded under Section 18 of MCOCA by the Competent Authority. It appears from the record that under the directions

of the principal accused Sampat Ghorpade applicant being his employee used to drive Truck and other vehicles thereby carrying food-grains from one place to another. The applicant is associated with Sampat Ghorpade in the capacity as his employee and prima facie it appears that applicant was not aware of the activities of Sampat Ghorpade. The record indicates that co-accused Arun Ghorpade and Vishwas Ghorpade who are brothers of Sampat Ghorpade have been released on bail by an Order dated 22.12.2016 by this Court. The co-accused namely Sanjay Dhurjad who was also driver on the Truck of Sampat Ghorpade has also been released on bail by this Court by an Order dated 22.12.2016.

5] Indubitably the applicant is similarly situated as that of Sanjay Dhurjad and therefore the applicant can be released on bail on the ground of parity.

Hence, the following Order:

- (i) Applicant be enlarged on bail in CR No.3019 of 2015 registered with Wadhivare Police Station, Nashik on furnishing P.R. bond in the sum of Rs.1 Lakh with one or more solvent sureties in the like amount.
- (ii) Applicant shall not leave the jurisdiction of Nashik till the

conclusion of trial.

(iii) Applicant shall report to the concerned police station on every alternative Sunday between 10.00 a.m. to 12.00 noon till the charge is framed.

(iv) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)