

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.200 OF 2016**

1. Keshav Balu Bhange
2. Nadeem Safiq Kazi Applicants
vs.
State of Maharashtra .. Respondent

Mr.Niranjn Mundargi I,b Mr.R.R.Parmane for Applicants.
Mr.Deepak Thakare APP for State.

CORAM : PRAKASH D. NAIK, J.

DATED : 07 July 2017.

P.C.

1. The Applicants are seeking bail in Crime No.I-196 of 2015 registered with Nerul Police Station, Navi Mumbai for offence punishable under sections 384, 385, 386, 387 read with section 34 of IPC and sections 3 and 25 of the Indian Arms Act. The investigation was handed over to Anti Extortion Cell, Crime Branch, Navi Mumbai. Applicants were arrested on 15.07.2015. The provisions of MCOC were invoked under section 3 (i) (ii) 3 (2), 3 (4) of MCOC Act.

2. The Applicant is seeking bail by invoking section 167 (2) of the Code of Criminal Procedure as the charge sheet is not

filed within the stipulated time. The relevant dates are as follows :

EVENTS

Sr.No.	Date	Events
1.	15.7.2015	Date of arrest of the Applicant
2.	16.7.2015	Date of 1 st remand
3.	31.7.2015	Application of MCOC Act
4.		Application for extension of 45 days to file charge sheet moved on 6.10.2015 and decided on 12.10.2015
5.		Subsequent application for extension of 45 days time for filing charge sheet was moved on 18.11.2015 and extension was granted of 15 days from 26.11.2015
6.		Applicant preferred application under section 167 (2) of Cr.P.C. on 11.12.2015 at around 11 a.m.
7.		Application preferred by prosecution for extension of 10 days time to file charge sheet on 11.12.2015
8.		Charge sheet was filed on 14.12.2015.
9.		Application preferred by the Applicant and others was rejected on 14.12.2015.

Application preferred by prosecution was granted till 14.12.2015

3. In view of the aforesaid circumstances, the Applicant seeks bail as there is default on the part of the investigating machinery in filing the charge sheet within the stipulated time. Learned Advocate for the applicant relied upon the order passed by this Court in Bail Application No.390 of 2016 wherein co-accused Vinayak Laxman Palwe has been granted bail in accordance with section 167 (2) of the Code of Criminal procedure. The case of the Applicant and the Accused is identical.

4. This fact is not disputed by the prosecution. While granting bail to the co-accused this Court after summarizing the facts which were similar to what is narrated herein above granted bail to the co-accused. Reference is made to the decision in the case of AFZAL ZARIWALLA VS STATE OF MAHARASHTRA reported in 2003 (2) MLJ 684 as well as other decisions of this Court. Learned Advocate for the Applicant submits that in view of the said order dated 1.12.2016 the Applicant whose case is identical is entitled for parity.

5. Taking into consideration the fact that case of the Applicant is similar to the case of the co-accused who has been granted bail, this application will have to be allowed. Hence, the following order :

O R D E R :

(i) The Applicants be released on bail in crime No.I.196/2015 registered with Nerul police station, Navi Mumbai for the offence punishable under sections 484,385,386,387,201, 34 of IPC along with sections 3 (i) (ii) 3 (2) 3 (4) of MCOC Act and upon furnishing P.R.Bond in the sum of Rs.2,00,000/- each with one or two sureties in the like amount.

(ii) They shall not leave the jurisdiction of this Court without the prior permission and if not surrendered, shall surrender his passport to the concerned authorities.

(iii) Two consecutive absence of the Applicants shall entail the Court below to initiate proceedings for cancellation of the bail granted to the applicants.

Application is disposed of.

(PRAKASH D. NAIK, J.)