

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****CRIMINAL BAIL APPLICATION NO. 988 OF 2017****Sanjay Vijay Waghmare****..... Applicant****VERSUS****The State of Maharashtra****..... Respondent**

Mr.Aniket U. Nikam, i/b. Mr.Aashish I. Satpute for the Applicant.

Mr.S.R.Agarkar, A.P.P. for the State.

CORAM : T.V.NALAWADE, J.**DATE : 28th AUGUST, 2017****P.C.**

The application is filed for bail in C.R.No.311 of 2015 registered with Pimpri Police Station for the offences punishable under sections 307, 452, 427 and 149 etc. of the IPC, Sections 3 and 7 of Criminal Law Amendments Act and section 3(1)(ii), 3(4) of MCOC Act, 1999. The provisions of Arms Act are also used. Both the sides are heard. The papers of investigation are made available.

2. This court has gone through the material collected against the present applicant. The collected material shows that applicant played active role in the present crime, statements includes the statement of injuries witnesses and the statements of the witnesses who sustained loss due to the offences committed by the present applicant. The submissions made and the record shows that they have

created a gang and they have spread terror in the locality where the witnesses are living. The object of creation of the gang is to make money. The record shows that the offences are registered under sections 457, 380 of IPC and there are statements of the co-accused recorded under the special enactment showing that the present applicant is a member of that gang. In the present matter damage was caused to 3 to 4 four wheelers. Some members of the gang entered the house of a witnesses by breaking open the door of his house and they used the dangerous weapons. Though serious injuries were not sustained, the description of the incidence shows that the blows of weapons were aimed at the head portion and due to that offence punishable under section 307 of IPC is also registered in the present matter.

3. Learned counsel for the applicant submitted that against the present applicant only one crime, aforesaid crime is registered though against other members there are many crimes registered. It is submitted that there is no allegation that he entered the house and used the weapons and so the bail needs to be granted to the applicant. This court holds that if this statement is accepted, the purpose of special enactment, MCOC Act will be defeated. The purpose of the Act is to see that such gangs are not formed. One or many persons of the gang may get involved in one crime but if the activities of the gang continues as mentioned in

the Act, provisions of the Special Act can be used. List of the offences registered against the members is given and as many as 31 crimes are registered against the members of this gang. The record collected shows that nobody could dare to come out of the house when the present offence took place. In view of these circumstances, this court holds that there will be danger to the life of the witnesses if the applicant is released on bail. In the result, the application stands rejected.

(T.V.NALAWADE, J.)