

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1086 OF 2017

Anil Tukaram Somwanshi

..... Applicant

VERSUS

The State of Maharashtra

..... Respondent

Mr.Rajaram A. Choudhari for the Applicant.

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

Mr.Sameer Shaikh, ACP, Vanavdi Police Station, Pune.

CORAM : T.V.NALAWADE, J.

DATE : 28th AUGUST, 2017

P.C.

The application is filed for bail in C.R.No.537 of 2014 registered with Hadapsar Police Station, Pune for the offences punishable under sections 302 read with section 149 etc. of IPC, section 4(25) of Arms Act and the provisions of MCOC Act. Both the sides are heard. The charge-sheet is filed for the aforesaid offences and so the papers of investigation were made available for the perusal.

2. The present incident took place on 27th September, 2014. The deceased Sachin Shelar was in the company of the first informant Manoj Kadam. On that day, in the night when they were proceeding on the motor cycle, the motor cycle was intercepted by the present applicant and other 11 associates. After seeing the

applicant and his associates, Sachin Shelar virtually jumped from the motor cycle and started to run away to save his life. The applicant and his associates were armed with the weapons like choppers, knife etc. They gave chase to Sachin Shelar and attacked him with aforesaid dangerous weapons and committed his murder. Manoj Kadam had seen the present applicant and the applicant was named in the FIR which was given immediately. As many as 36 stab wounds and incised wounds were found on the dead body. There is material like direct evidence and circumstantial evidence. His cloths having blood stains are recovered by the police and they are seized.

3. The submissions made and the record show that as many as 30 crimes are registered against this gang. They mostly are against body. Learned counsel for the applicant submitted that in view of the nature of the allegations and as there is no specific allegation that money was extorted and the purpose beyond formation of the gang was to make money, the use of the MCOC Act cannot be made against the applicant. This submission is not acceptable. In the FIR, the submissions are made that some persons were opposing this gang and as the influence of Sachin was increasing day by day, a decision was taken to finish him by the gang of the present applicant. Ordinarily the gang is formed to make monetary gain. It is not necessary go into this details of the purpose behind act and the reasons for giving

sanction as there is sufficient material to make out a case that a gang was formed and its activities were continuous in nature. Against the present applicant in the past one more crime punishable under section 4(25) of Arms Act was registered. In the sanctioned order, 13 crimes are mentioned but learned A.P.P. submitted that there are as many as 18 crimes registered against the members of this gang. Considering the manner in which the murder was committed, there will be danger to the life of the eye witness if the present applicant is released on bail. This court holds that even if the provisions of MCOC Act are not considered, it is not a fit case to grant bail to the present applicant. In the result, the application stands rejected.

(T.V.NALAWADE, J.)