

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1301 OF 2016

Bharat Harisingh Ved

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Pankaj More a/w Mr. Prajyot Shrivastav i/b
Mr. Rahul Arote Advocate for Applicant.
Mr. R. M. Pethe APP for the State.
Mr. Sachin M. Kadam, PI, DCB-CID, Mumbai.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 2nd FEBRUARY, 2017.

PC :

1) Heard. This is an application under section 439 of the Code of Criminal Procedure, 1973. Applicant herein is arrested on 12/03/2015 in crime no. 37 of 2015 registered at Bhandup Police Station. Investigation is completed and the applicant has been charge-sheeted for offence punishable under section 115 r/w 302, 120-B of Indian Penal Code r/w Section 3, 25 of the Arms Act, r/w Section 37 (1), 135 of the Bombay Police Act, r/w Section 3 (1) (ii) 3 (2) and 3 (4) of the M.C.O.C. Act, 1999.

2) It is the case of the prosecution that on the basis of the secret

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information received by Head Constable Borkar on 12/03/2015, a raid was conducted on Mangatram Petrol Pump at 6.00 p.m. There was a specific information that some people were to eliminate a builder in that area. It is alleged that at Mangatram Petrol Pump, police found three accused persons. Two of them were armed with country made pistols, 6 live cartridges, 3 cellphones. Present applicant was also present at Mangatram Petrol Pump. In the course of inquiry, it was revealed that all the three persons found at Mangatram petrol pump on that day were working for fugitive Ravi Pujari. In the course of inquiry, it was further revealed that two persons approached brother-in-law of the present applicant and had informed him that they were working for Ravi Pujari and there was a plan to eliminate a builder and they wanted to avail services of a person who would be an expert in driving motorcycle. The brother-in-law of the present applicant had suggested the name of the present applicant. Accordingly, present applicant had met the co-accused. Initially, he had sought time to think over, however, on 11/03/2015, a plot was hatched. It appears that applicant had consented to work for them and on 12/03/2015, applicant was accordingly found at Mangatram Petrol Pump.

- 3) The learned counsel for the applicant vehemently submits that applicant is not connected with accused fugitive Ravi Pujari and that he was requested by his relative to work for accused nos. 1 & 2 and he had only consented to the same on the earlier day. It is submitted that no offence was committed by the present applicant and hence, he deserves to be enlarged on bail.
- 4) The learned APP submits that there are more than 5 cases registered against present applicant wherein he has been charged for stealing motorcycles. It appears that in this premises he was chosen to help the organisation.
- 5) Taking into consideration the material collected in the course of investigation and the fact that applicant is being prosecuted under the provisions of MCOC, applicant does not deserve to be enlarged on bail. Moreover, in the above mentioned premises, it would be difficult to record a finding in respect of section 21 (4) of the MCOC Act and hence, applicant does not deserve to be enlarged on bail.
- 6) Application, being sans merits, stands rejected.

(SMT. SADHANA S. JADHAV, J.)