

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.232/2017

Dheeraj S/o Ramcharan Makrande

..Vs..

State of Maharashtra, through Police Station Officer, Police Station Sitaburdi,
Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D.V. Chauhan, Adv. for the applicant.
Shri A.D. Sonak, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 14.6.2017.

Heard.

The applicant is arrested on 24th November, 2015 in crime registered against him and co-accused for the offence punishable under Sections 143, 147, 148, 149, 302, 201, 506-II of the Indian Penal Code read with section 135 of the Maharashtra Police Act and Section 3 of the Maharashtra Control of Organized Crimes Act. The learned Advocate for the applicant has submitted that trial against co-accused Sheikh Akram, Anup, Kamlesh, Bhaskar, Sachin and Vishal has commenced, however, charges are not framed against the applicant. There is no explanation for this by the investigating agency / prosecution. Present application is opposed mainly on the ground that co-accused Vishal has stated about involvement of the applicant in the crime in his confessional statement. The incident is of 24th March,

2012 and the applicant is arrested on 24th November, 2015 i.e. after more than 3 years and 8 months. Though provisions of Maharashtra Control of Organized Crimes Act are applied against the accused, including the applicant, as far as the applicant is concerned, it is submitted by the learned Advocate for the applicant that earlier he is charge-sheeted for only one crime and after trial he is acquitted in that case. It is further submitted that there is no other common charge-sheet against the applicant alongwith other accused / co-accused.

Considering the facts of the case, in my view, the applicant is entitled to be released on bail, however, on conditions as imposed by this order:

The applicant having been arrested in Crime No.380/2012 registered by the non-applicant, he be released on bail on furnishing P.R. bond for Rs.1 Lakh and two solvent sureties in the like amount.

The learned Advocate for the applicant, on instructions from father of the applicant, has stated that one of the solvent surety would be furnished by Ramcharan Makrande i.e. father of the applicant and other solvent surety would be furnished by his blood relative. The statement made on behalf of the applicant is accepted and it is directed that the applicant be released after solvent surety of Rs.1 Lakh is furnished by Ramcharan Makrande i.e. father of the applicant and other solvent surety is furnished by blood relative of the applicant.

The applicant shall attend the trial before the

Special Court on every date unless granted exemption by the Special Court.

If the applicant fails to attend the trial on any date before the Special Court, without seeking permission of the Special Court, this order shall stand recalled and the bail granted to the applicant shall stand cancelled.

The application is **allowed** in the above terms.

JUDGE

Tambaskar.