

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

CRIMINAL APPLICATION (BA) NO.270/2017

Ravi S/o Ramesh Umate

..Vs..

The State of Maharashtra, through Police Station Officer, Hudkeshwar, Nagpur,
Tah. and Distt. 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 N.R. Patil, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 15.6.2017.

The applicant is arrested on 7th July, 2016 in crime registered against him and 5 others for the offence punishable under Sections 395, 397, 387, 342, 354, 452, 143, 147, 148 and 149 of the Indian Penal Code read with Section 4/25 of the Arms Act and Section 135 of the Maharashtra Police Act and Section 3 of the Maharashtra Control of Organized Crimes Act on the accusations that on the date of incident they entered into the house of the complainant and on pistol point, giving threat of killing to the complainant decamped with golden ornaments.

The Advocate for the applicant has pointed from the charge-sheet that even according to the investigating agency the applicant is earlier charge-sheeted only once alongwith Yuvraj Matankar and it is submitted that in that case he is acquitted. It is argued that the provisions of the Maharashtra Control of Organized Crimes Act are wrongly applied. To support

the argument the learned Advocate has relied on the orders passed by this Court in Criminal Application (BA) Nos.110/2017, 354/2017 and 371/2017 by which this Court has granted bail to the co-accused Ashish, co-accused Vishal and co-accused Hemant observing that the provisions of the Maharashtra Control of Organized Crimes Act are wrongly applied.

The charge-sheet is filed on 3rd December, 2016. Considering the facts of the case, the orders passed by this Court granting bail to three co-accused and as the non-applicant has not been able to show that the custody of the applicant is required for further investigation, in my view, the applicant is entitled to be released on bail.

The applicant having been arrested in Crime No.296/2016 registered by the non-applicant, he be released on bail on furnishing P.R. bond for Rs.50,000/- (Rs. Fifty Thousand) and one solvent surety in the like amount.

The applicant shall attend the trial before the Special Court on every date unless granted exemption by the Special Court.

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

JUDGE