

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

CRIMINAL APPLICATION (BA) NO.418/2017

Vijayat @ Anjum Lilyakat Ali Khan

..Vs..

State of Maharashtra, through Police Station Officer, Police Station Khandala,
Distt. Yavatmal

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

Court's or Judge's orders

Shri M.A. Qureshi, Adv. for the applicant.
Shri T.A. Mirza, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 18.7.2017.

Heard.

The applicant is arrested on 27th February, 2016 in connection with Crime No.86/2015 which is registered against 7 accused (including the applicant) for the offence punishable under Sections 120-B, 364-A and 395 of the Indian Penal Code, Sections 4/25 of the Arms Act and Sections 3(1)(i)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crimes Act.

The offences under the Maharashtra Control of Organized Crimes Act are applied after Inspector General of Police, Amravati Range Amravati granted approval for it.

The application is opposed on the ground that the applicant is a habitual offender and he is being prosecuted in 14 cases for various crimes.

The learned Advocate for the applicant has submitted that all the crimes except 1 were registered against the applicant prior to 2008 and thereafter the applicant has not been shown as accused in any other crime except one in 2015. It is submitted that out of 14 cases, in 2 cases the applicant is acquitted after trial. It is submitted that even according to the investigating agency the presence of the applicant at the time of commission of crime is doubtful and the material placed alongwith the charge-sheet is not sufficient to show involvement of the applicant in the crime. It is submitted that co-accused are already released on bail and, therefore, the applicant is also entitled to be released on bail as the charge-sheet is already filed and there is nothing to be investigated further.

Considering the material and the tendency of the applicant as reflected from his past record, I am not inclined to consider the prayer made in the application. The application is dismissed.

As the applicant is in jail since 27th February, 2016, the learned trial Judge is directed to expedite the trial and conclude it at the earliest possible keeping in view the directions given by the Hon'ble Supreme Court in the case of *Hussain and another V/s. Union of India* reported in **AIR 2017 SC 1362**.

JUDGE