

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 635 OF 2018

Rohidas Dehu Pawar. .. Applicant.

V/s.

The State of Maharashtra. .. Respondent.

Ms. Saili N. Dhuru h/f. Mr. Kuldeep S. Patil, advocate for applicant.

Ms. Veera Shinde, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : AUGUST 1, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1908. The applicant herein is arrested on 10/8/2017 in Crime No. 183 of 2017 registered at Khalapur Police Station for offence punishable under section 392 read with section 34 of the Indian Penal Code and under section 3(1)(II), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act.

3 It is the case of the prosecution that on 7/8/2017 Santosh Birajdar lodged a report at the police station alleging therein that on 4/8/2017 he had taken a consignment of Chemical powder from Ragvendra Chemical, Belari Karnataka. He had taken an advance of Rs. 17,000/-. On 7/8/2017 at about 5 to 5.30 a.m., when his vehicle No.

Talwalkar

MH 11 AL 1537 was passing through Savroli toll naka, he had taken a stop to answer nature's call. Three persons had accosted him. They had torn the clothes from his person. They had snatched Rs. 10,500/- from his pocket. They had also stolen his driving licence and other documents and had fled from the spot. In the course of investigation, the applicant and others were arrested.

4 The complainant had given the description of the person who had accosted him and had looted him. In the course of investigation, test identification parade was conducted and the applicant has been identified. There is a recovery of Rs. 2,500/-. That it is further transpired that the leader of the gang was one Vasant Damu Waghmare and the applicant was acting at the behest of Vasant Waghmare.

5 The learned counsel for the applicant has vehemently submitted that the affidavit filed by the State does not indicate that the applicant was an accused alongwith Vasant Waghmare in any other case and therefore, he cannot be treated as a member of organised crime.

6 It is pertinent to note that the prosecution has filed an affidavit stating that they were members of gang of Vasant Waghmare. They were involved in the serious offences including offences of use of threat, committing dacoity, robbery, thefts and offences against women by other unlawful means with the motive of gaining illegal pecuniary benefits for the syndicate in the Raigad district. That they could not be arrested in some of the cases but there is reliable source of material which indicates that they are working for Vasant Waghmare.

7 Learned Counsel has further submits that the applicant is

hardly 24 years old and therefore, lineancy be shown.

8 The interests, security and safety of the society would prevail over the liberty of an individual. Hence, the application being sans merits stands rejected and disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]

Aruna
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Talwalkar

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