IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1060 OF 2017

Mangalsingh @ Raftarsingh Poladsingh Bhond .... Applicants

Vs.

The State of Maharashtra .... Respondent

Mr. Gaurav Parkar appointed advocate for the Applicants.
Mr. S.R. Agarkar, APP for the State.
Mr. L.B. Kamble, Havildar, Pen Police Station, Raigad

Coram : Smt. Sadhana S. Jadhav, J.
Date : 5th January, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 439 Code of Criminal Procedure.

3 This court had requested Advocate, Shri. Gaurav Parkar to appear for the applicant to espouse the cause of the applicant. The learned counsel for the applicant has drawn attention to the

papers of investigation with the aid of the learned APP and has made his submissions.

4 The applicant herein is charge-sheeted in Crime No.69 of 2015, registered at Kulgaon Police Station. The co-accused Suraj Dayare, Ramdas Vehle, Kailas Hisalke and Roshan Dayre were arrested by Kulgaon Police. Crime No. 69 of 2015 was registered on the basis of the first information report lodged on 29th December 2015. In the course of investigation, it had transpired that the present applicant had played an active and vital role in committing the offence. Initially the offence was registered under Section 395, 397 and 120-B of Indian Penal Code and Section 3 read with 25 of the Indian Arms Act. In the course of investigation, the investigating agency had filed a proposal to prosecute the accused under the Maharashtra Control of Organised Crime Act, 1999 (M.C.O.C. Act). The sanction was accorded.

5 The applicant herein was arrested on 12th September 2016 and a separate charge-sheet was filed against him. The prosecution has filed an affidavit and has opposed to grant of bail. It is submitted that the applicant is an accused in Crime No.171 of 2014, registered at Vishrantwadi Police Station, Pune for the offence punishable under Sections 394, 452, 323, 504, 427 read with 34 Indian Penal Code and in Crime No. 140 of 2016 registered at Shastri

Nagar Police Station. The applicant is charge-sheeted under Section 394, 341 read with 34 Indian Penal Code. Learned APP submits that the applicant is a habitual offender. It is also submitted that in view of this, the applicant does not deserve to be enlarged on bail. As against this, the learned counsel appointed for the applicant has submitted that according to the prosecution the leader of the organisation is one Ravi Ramesh Shinde and the applicant has not been charge-sheeted alongwith Ravi Shinde in any other offence and therefore, it cannot be said that there are more than two charge-sheets against the organisation. Learned counsel also submits that in the course of investigation, test identification parade was conducted and the applicant has not been identified. It is also submitted that the applicant is a young boy of 22 years old and therefore deserves to be enlarged on bail.

6 Learned APP has drawn attention of this court to the confessional statement of Roshan Govind Dayre. In the said confessional statement, he has specifically attributed an active role to the applicant while committing the said offence on 29th December 2015. The accused person had apprehended mini door rikshaw and had snatched bag containing Rs.25.00 lacs from the Manager of Bank of Maharashtra, Varasai, Raigad Branch. The co-accused has also narrated the entire episode. Under the provisions of MCOC Act, the confessional statement of co-accused would be admissible in

evidence. In the above mentioned facts, it would not be possible to record a subjective satisfaction as contemplated under Section 21 of MCOC Act. The application being sans-merit deserves to be rejected. The learned counsel appointed for the applicant, Mr. Gaurav Parkar has espoused the cause of the applicant and has ably assisted the court. The professional fees is quantified as per rules. The application stands rejected. Office to communicate this order to the applicant, who is lodged in Taloja Jail.

(*Smt. Sadhana S. Jadhav*, J)