

2 This is an application under Section 439 Code of Criminal
Procedure. The applicant herein is arrested on 29th November 2015
in Crime No.19 of 2015, registered at Wadivarhe Police Station,
Nashik, for the offences punishable under Sections 3(1)(i)(ii), 3(2),
3(4) and 3(5) of the Maharashtra Control of Organised Crime Act,
1999. The investigation is completed and the charge-sheet is filed.

3 It is the case of the prosecution that the applicant herein was working as a Manager in the godown of the principal accused Sampat Namdeo Ghorpade, who has been enlarged on bail.

4 Learned APP submits that there is a confession of the present applicant under Section 18 of the MCOC Act and on the first given opportunity, the said statement has been retracted. Learned counsel for the applicant vehemently submits that in fact procedure for recording of the confession was not followed and in any case, it was confession of the co-accused.

5 Be that as it may, taking into consideration the facts of the case and by virtue of doctrine of parity coupled with the fact that Sampat Ghorpade is enlarged on bail, the applicant also deserves to be enlarged on bail.

6 The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial. Hence, the order :

ORDER

- i) The application is allowed.
- ii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.

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