

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1553 OF 2017

Gangaram Gorakhanath Bhadarge .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. C. S. Damre, Advocate, for the Applicant
Mrs. A. A. Takalkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 06.03.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No. I-159 of 2014 registered with the Kasa Police Station, District – Thane, for the alleged offences punishable under Sections 395, 397, 307, 353, 332, 333, 336 of the Indian Penal Code; Sections 3(1)(i)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act (for short 'MCOC' Act) & Sections 3 & 25 of the Arms Act.

3. Learned counsel for the Applicant submitted that the

Applicant has been falsely implicated in the said case. He submitted that none of the witnesses have stated that the Applicant had assaulted them. He further submits that nothing was recovered at the instance of the Applicant. According to the learned counsel, the arrest panchanama as well as the spot panchanama were recorded at 7.30 a. m. and 8.30 a. m. respectively, whereas the Applicant alongwith other co-accused were apprehended at around 3.20 a. m.. He submitted that the Applicant is in custody since 2014 and till date, trial has not commenced. He further submitted that considering the fact that there is no material on record qua the Applicant, the Applicant be enlarged on bail.

4. Learned APP opposed the Application. She submitted that in the incident, four police officers have received injuries. She further submitted that the Applicant is a gang leader in Palghar and that there are similar cases / offences which have been registered as against the Applicant in Palghar, Thane, Raigad, Nasik and Jalna. She has filed an Affidavit of Mr. Sachin S. Pandkar, Sub Divisional Police officer, Dahanu Division, Dahanu, District – Palghar setting out the complicity of the Applicant.

5. Perused the papers. On 05.12.2014, the Complainant – Ravi Gunwantrao Magar, Assistant Police officer alongwith others had laid a trap by showing that the luxury bus's tyre was punctured. The lady constables, who were in plain clothes were made to speak in Gujrathi. At around 3.20 a. m., the Applicant alongwith others committed dacoity on the said bus which was parked in an isolated area on the Mumbai – Ahmedabad Highway. According to the prosecution, the Complainant and the raiding party tried to apprehend the said accused persons, however, they resisted and assaulted the police party. Some of the members of the raiding party sustained injuries. The Applicant and one Mr. Rakesh Parwar were apprehended on the spot. Pursuant thereto, the police lodged a complaint as against the accused alleging the aforesaid offences under the Indian Penal Code and the Indian Arms Act. Subsequently, MCOC Act was invoked in the said case. The Applicant and one Mr. Rakesh Parwar were arrested on the spot. During the personal search of Mr. Rakesh Parwar, the police seized one revolver from him and one sword, five sticks, stones, chilli powder and purse from the spot. After investigation, charge-sheet was filed as against the Applicant. MCOC was applied to the said case, as during the course of investigation, it was revealed that the Applicant was running a gang and that he was a leader of the said organised crime syndicate and that he

had committed several offences singly and jointly, to gain pecuniary benefits by extending threats and as such had committed dacoity and robberies in the area of Palghar as well as Thane, Raigad, Nasik and Jalna. It appears that there are almost 16 cases registered as against the Applicant with various police stations which are similar in nature. One of the police constables has stated that the Applicant attempted to pull a Gold chain, worn by her.

6. Considering the *prima facie* material on record, it cannot be said that the Applicant is not guilty of the offences with which he is charged. Hence, the Application stands rejected. However, since the case is of the year 2014, the trial is expedited. The learned Sessions Judge shall make an endeavour to complete the case as expeditiously as possible and in any event within 16 months from the date of receipt of this order.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this Application.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)