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IN THE COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR  
CRIMINAL APPLICATION (APPA) NO. 323/ 2018  
IN  
CRIMINAL APPEAL NO. 225/2018

(Raja @ Sumit s/o Wasudeo Fulzele **VS.** State of Maharashtra)

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

Court's or Judge's order

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 Mr. D.V. Chauhan, Mr.Nikhil Kirtane and Mr. Chaitanya Barve  
 Advocates for the applicant  
 Mr. I.J.Damle, Additional Public Prosecutor for respondent-State

**CORAM : SMT. VASANTI A. NAIK &**  
**MRS. SWAPNA JOSHI, JJ.**

**DATED : 23<sup>rd</sup> April, 2018.**

Heard.

By this Criminal Application under Section 389 of the Code of Criminal Procedure, the applicant @ Raja @ Sumit seeks the suspension of the effect and operation of the sentence passed against him in the order dated 3.4.2018 in MCOCA No.23/2016. The applicant also seeks his release on bail for the offences punishable under sections 120B, 419, 420, 342, 363, 384 and 386 of the Penal Code, along with Section 3 of the Maharashtra Control of Organized Crime Act (MCOCA).

On hearing the learned counsel for the parties for quite some time, especially the Additional Public Prosecutor and on a perusal of the judgment of the Special Court, it *prima facie* appears that though there is substantial

material on record to hold that the accused- Dipak, Dinesh Nagdive, Smt. Sunita Bulkar, Omi Yadav and Sushma, could have been involved in the offences punishable under the MCOC Act, we do not find any evidence to show that the applicant-Raja @ Sumit was involved in any other crime of the similar nature with which the syndicate was involved. Even in the judgment of the Special Judge under the MCOC Act, we do not find a categorical finding that applicant-Sumit had any role to play for being convicted under the provisions of the MCOC Act. We find from the reading of the judgment of the Special Judge that applicant-Sumit appears to have been involved only in one crime, relating to offences punishable under sections under sections 120B, 419, 420, 342, 363, 384 and 386 of the Penal Code. In the peculiar circumstances of the case, we are inclined to suspend the sentence as prayed by applicant-Sumit and direct the respondent to release the applicant on bail by imposing certain conditions.

Hence, by granting the prayer made in the Application and suspending the effect and operation of the sentence passed against the applicant for the offences punishable under the MCOC Act, we direct the non-applicant to release the applicant on bail, on the condition that the applicant furnishes the bail bonds in the sum of Rs. 30,000/- (rupees thirty thousand ) with one solvent surety in the like amount. The applicant should also report to the concerned Police Station once in every fifteen days.

The Criminal Application is allowed in the aforesaid terms and disposed of.

**JUDGE**

**JUDGE**

*safare*