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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1930 OF 2018

Ratankumar Shyamnath Sinh ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Ms.Shivani Kunder, appointed advocate for the applicant.

Smt.Rutuja Ambekar, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 5, 2019

P.C.:-

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

2. The applicant is seeking regular bail in crime No.21/ 2016 for offence punishable under sections 307, 393, 397, 398 of the Indian Penal Code and sections 4, 25, 27 of the Arms Act read with sections 3(I)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crimes Act, 1999 ('MCOCA' for short) registered with Mhasala police station, District Raigad.

3. The provisions of MCOCA are invoked against the applicant having noticed that the applicant is a member of a group of syndicate who are continuously involved in unlawful activities.

4. For invoking MCOCA, there are five offences and more than one charge-sheet against the syndicate. As such, no technical defect could be noticed in the matter of invoking MCOCA against the applicant.

5. Apart from above, fact remains that in one of the offence, there is recovery of an amount and under the provisions of section 22 of MCOCA, there is a presumption against the applicant as regards having committed an offence under the provisions of the said Act.

6. Apart from above, the applicant has retracted a confessional statement which is sufficient to be taken into account against him at this stage of the matter.

7. As such, there is sufficient material to justify the prosecution case against the applicant for offence punishable under sections 307, 393, 397, 398 of the Indian Penal Code and sections 4, 25, 27 of the Arms Act read with section 3(I)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crimes Act.

8. The affidavit filed by the Deputy Superintendent of Police sufficiently explains the satisfaction under the provisions of the MCOCA. That being so, no case for grant of bail is made out. The application is rejected.

(NITIN W. SAMBRE, J.)