

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.787/2019

Vinay Kumar s/o Rajendraprasad Pande .vs. State of Maharashtra
through Commissioner of Police, Nagpur and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr. A. Kesari, Advocate for applicant.

Mr. V. A. Thakare, A.P.P. for non applicants-State.

CORAM : V. M. DESHPANDE, J.

DATED : SEPTEMBER 9, 2019

Applicant is arrested in connection with Crime No.288/2018 registered with Police Station, Gittikhadan, Nagpur for an offence punishable under Sections 307, 143, 147, 148, 149 of the Indian Penal Code read with Section 3 and 25 of the Arms Act and Section 135 of the Bombay Police Act.

Learned counsel for applicant submits that there is no role ascribed to applicant in the FIR and charge-sheet is also already filed. Crime is registered on the basis of report lodged by one Kuldip alias Pinnu Shashidhar Pande, who is a property dealer. On 28.06.2018, when he was smoking at Pan Thela of one Ashish Pande that time one Sumit Thakur opened fire. First informant Kuldip dogged said, resulting into injury of another person Mohan Dhuriya. Kuldip was also injured. In the FIR, name of the present applicant is specifically there as Lala Pande and he was accompanying with Sumit

Thakure.

Learned A.P.P. submitted that co-accused Sumit Thakur is gang leader who runs a gang and applicant is one of the gang member. He submitted that this gang has also committed another crime vide Crime No.451/2015. In that, the present applicant was arrested however he was released on bail. As per submission of learned A.P.P, Crime No. 451/2015, in which provisions of the Maharashtra Control of Organized Crimes Act are invoked, trial has already commenced. Applicant's crime chart is also placed on record which shows that applicant is having inclination to repeat the offences.

Though in the FIR, no active role is attributed, it is clear that applicant was with the gang leader and the said gang leader has opened the fire.

In view of the aforesaid discussion, in my view, though charge-sheet is filed, the applicant who is a repeater of the offence is not to be released on bail. The application is, therefore, rejected.

JUDGE