

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CRIMINAL WRIT PETITION NO.921/2019**

Mr. Shadab Khan s/o Mushtaq Khan .vs. State of Maharashtra through its
Secretary, Department of Home Affairs, Mantralaya, Mumbai and anr.

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

Court's or Judge's orders.

Mr. S. B. Tiwari, Advocate for petitioner.

Mr. M. J. Khan, A.P.P. for respondent-State.

CORAM : V. M. DESHPANDE, J.

DATED : NOVEMBER 20, 2019

Heard Mr. Tiwari, learned counsel for petitioner
and Mr. Khan, learned A.P.P. for respondent-State.

Initially, petitioner was arrested on 20.08.2018 in
Crime No.1590/2018, for an offence punishable under
Sections 397, 427 of the Indian Penal Code and Sections 4
and 25 of the Arms Act. The applicant thereafter filed an
application i.e. Misc. Criminal Application No.508/2018 for
bail and the learned Additional Sessions Judge, Wardha, on
24.10.2018, released the petitioner on bail. After petitioner
was released on bail, on 13.11.2018, provisions of the
Maharashtra Control of Organized Crimes Act were invoked.
After invoking the said provisions, the prosecution moved an
application under Section 439 (2) of the Code of Criminal
Procedure for cancellation of bail. The said was registered
as Misc. Criminal Application No.44/2019. The learned
Special Judge, MCOC Act, Nagpur allowed the application
filed on behalf of the prosecution and cancelled the bail.
Against that, the present writ petition is filed.

The only submission that is raised before this Court by the learned counsel for the petitioner is that before cancellation of bail, the Court below did not consider the case on its own merit.

The law of cancellation of bail after invocation of the provisions of the MCOC Act is well crystallized by this Court in *Sarang Arvind Goswamy Vs. State of Maharashtra*; reported in *2005 (3) Mh. L. J. 774*, so also by judgments of this Court (Coram: V.M. Deshpande, J.) in *Vijendra Molchand Kuril Vs. State of Maharashtra and Ors.*; Criminal Application (APL) No.7/2006, decided on 12.09.2017 and (Coram: Rohit B. Deo, J.) in *Karan s/o Ranjit Paropate Vs. The State of Maharashtra, through PSO P.s. Yavatmal City and anr.*; Criminal Writ Petition No.1029/2017 decided on 06.04.2018.

The law laid down by this Court in the aforesaid matters applies with its full force.

In that view of the matter, there is no merit in the writ petition. The petition is therefore dismissed. However, it will always be open for the petitioner to file an application for bail before Special Court and the same can be considered by the Special Court, in the light of the accusations made against the applicant.

JUDGE