

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO.42 OF 2021

MILIND @ BABLU SHRIRAM GHAGARMALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for the Appellant : Shri Akash D. Gade h/f Shri Salunke
Sudarshan J.

APP for the Respondent : Shri R.V. Dasalkar

...

**CORAM : RAVINDRA V. GHUGE
&
B. U. DEBADWAR, JJ.**

DATE :- 12th February, 2021

Per Court :-

1. We had heard the learned advocate for the appellant and the learned prosecutor on behalf of the State. At the request of the learned prosecutor, the matter was posted today.
2. The learned prosecutor informs us today that the provisions of the Maharashtra Control of Organised Crime Act, 1999 (MCOC Act), which were made applicable to the case of the appellant, have been withdrawn as there was no sanction. It is also submitted that the charge-sheet has not been filed as yet.
3. The learned advocate for the appellant submits that in view of the above, the appellant was entitled for default bail on 28.12.2020 and

he is willing to approach the Trial Court so as to put forth the said request.

4. Considering the settled principles of law, it is obvious that the appellant is entitled for default bail, which is an indefeasible right.

5. As such, this Criminal Appeal is disposed off with liberty to the appellant to approach the Trial Court for seeking default bail. In the event, such an application is filed, the Trial Court shall take into consideration the fact that the appellant was entitled for default bail from 28.12.2020 and such an application shall be decided within three days from the date of it's filing and no adjournment motion on behalf of the prosecution shall be entertained except for exceptional reason.

kps

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)