

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 1337 OF 2019**

Prakash Damu Kadav

... Applicant

**V/s.**

The State of Maharashtra

... Respondent

Mr.Ketan Dhavle, Appointed Advocate by Legal Aid Committee for Applicant.

Mr.A.R. Patil, A.P.P for Respondent-State.

Dy.S.P. Prashant A. Pardeshi (I.O.), Jawhar Division, District Palghar.

**CORAM : A.S. GADKARI, J.****DATE : 7<sup>th</sup> April 2021.****PC. :**

In pursuance of Orders dated 5<sup>th</sup> March 2021 and 19<sup>th</sup> March 2021, the learned Special Judge, Thane under MCOC Act, has submitted a report dated 1<sup>st</sup> April 2021 through proper channel. The same is taken on record.

2. This is a successive Application for bail filed by the Applicant in C.R.No.I-129 of 2013 registered with Wada Police Station, District Palghar, under Sections 397, 427 of The Indian Penal Code, under Sections 25(1)(3) of The Arms Act and under Sections 3(1)(ii), 3(2) and 3(4) of The Maharashtra Control of Organized Crime Act, 1999.

3. The earlier Application bearing Bail Application No.1170 of 2016 preferred by the Applicant has been dismissed by this Court by a speaking Order. In the said Order dated 24<sup>th</sup> February 2018, this court has observed that, it is difficult for the Court to record a finding under Section 21(4) of the MCOC Act, that if the Applicant is released on bail, he will not commit any other offence.

4. The Hon'ble Supreme in the case of State of Maharashtra Vs. Vishwanath Maranna Shetty, reported in (2013)1 SCC (Cri) 105 : (2012) 10 SCC 561, has held that, though the expression "reasonable grounds" has not been defined in the Act, it is presumed that it is something more than prima facie grounds. Recording of satisfaction on both the aspects mentioned in clauses (a) and (b) of sub-section (4) of Section 21 is sine qua non for granting bail under MCOCA.

5. Perusal of record would indicate that, the Applicant is also an accused in two other crimes of similar nature. It is therefore also difficult for this Court to record a finding under Section 21(4) of the MCOC Act. It is to be further noted here that, except passage of time, there is no change in circumstances than passing of the earlier Order dated 24<sup>th</sup> February 2018, which will persuade release of the Applicant on bail.

6. Application is accordingly dismissed.

7. Before parting with the Order, this Court places on record a word of appreciation for the efforts put in by Advocate Mr.Ketan Dhavle, learned Advocate appointed by the Legal Aid Committee to espouse the cause of the Applicant.

**[A.S. GADKARI, J.]**