

Versus

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Mr. Ravindra Koli, HC and Mr. Sanjay Phulkar, PN, Crime Branch, Unit-3, present.

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DATED : 25 NOVEMBER 2022

P.C. :-

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 6 of 2017 registered at Khandeshwar Police Station, for the offence punishable under Sections 395, 341, 342, 412, 120-B of Indian Penal Code and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

3. I have heard the learned Counsel for the applicant and the

learned APP for the State.

4. According to the prosecution the present applicant and other co-accused committed dacoity. During the course of investigation co-accused in the present crime namely Amol Dushing was found to be gang leader of organized crime syndicate and other co-accused including the present applicant to be members of the said syndicate. The offences under MCOC Act were thus invoked against them.

5. The learned Counsel for the applicant has placed on record the copy of the order passed by the Sessions Court dated 23 April 2021 below Exhibit-105 in special case (MCOC) No. 105/2020. By the said order the learned Sessions Court has released the co-accused in the present crime namely Sagar @ Chanya Ashok Beg on bail. It is submitted that the role attributed to the present applicant and the co-accused Sagar Beg, in crime in question is identical. It is submitted that there are in all ten accused and nine accused are released on either default bail or regular bail. It is thus submitted that the applicant is entitled to be released on bail on the ground of parity.

6. On the other hand, the learned APP for the State submits that the applicant is involved in ten more crimes. It is submitted that considering the nature of offence, the applicant may not be released on bail. The learned APP has, however, not disputed that the Sessions Court has released co-accused Sagar Beg on bail. It is also not disputed that other co-accused are released on default bail.

7. I have perused the charge-sheet. The role attributed to the present applicant and the co-accused Sagar Beg is identical. He is also involved in ten more crimes. The gang leader is granted default bail. Considering the facts and circumstances, I am inclined to release the applicant on bail on certain conditions. In the result, following order is passed:

- (i) Application is allowed.
- (ii) The applicant - Shahrukh Razzak Shaikh be released on bail in Crime No. 6 of 2017 registered at Khandeshwar Police Station, for the offence punishable under Sections 395, 341, 342, 412, 120-B of Indian Penal Code and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999 on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not enter into the limits of Ahmednagar and Pune Districts till the conclusion of trial.
- (iv) The applicant shall after his release furnish his residential address and mobile number to the Investigating Officer.
- (v) The applicant shall attend the police station in whose jurisdiction he is going to reside after his release, once in a month i.e. on first Friday between 11.00 a.m. to 2.00 p.m. till the conclusion of trial.

(N.R. BORKAR, J.)