

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4384 OF 2021

Samrat Hukumsing Bhati

Applicant

versus

The State of Maharashtra

Respondent

Ms.Anjali Patil, Advocate for applicant.

Ms.PN.Dabholkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th October 2022

PC :

1. This is an application for bail in C.R No.253 of 2021 registered with Chatushrungi Police Station, Pune for offences under Sections 392, 411 r/w 34 of Indian Penal Code.

2. The applicant was arrested on 6th June 2021 and since then he is in custody. It is alleged that main accused are involved in committing robbery and applicant had mortgaged the ornaments stolen by the main accused. During the course of investigations provisions of Section 3(2)(ii), 3(2) and 3(4) of Maharashtra Control of Organized Crimes Act was invoked.

3 It is submitted that after the arrest of applicant in present case he was shown involved in three other cases registered against unknown persons. In all those cases applicant has been granted bail.

There is no recovery of any articles at the instance of applicant.

There is no evidence to show that in the past applicant has acted as

member of the crime syndicate in committing offence of robbery or dacoity.

4. Learned APP submitted that applicant has criminal antecedents. The applicant was involved in dealing with property stolen by the gang leader. There is sufficient material to show his association with gang leader.

5. It is pertinent to note that only role assigned to the applicant is dealing with stolen property. Apparently he was arrested in the present case and then shown in three other cases. In all those cases applicant has been granted bail. The applicant has no connection with the crime of robbery committed by gang leader and his associates. Thus, there is no substantial evidence to show that applicant is involved in committing offence of robbery or dacoity etc with the gang leader as associate. Section 21(4) of MCOC Act would not restrict grant of bail to the applicant. Hence, case for grant of bail is made out.

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with C.R No. 253 of 2021 registered with Chatushrungi Police Station, Pune, on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for eight weeks in lieu of sureties;
- (iv) The applicant shall report Chatushrungi Police Station once in a month on every first Saturday between 11 am and 1 pm till further orders;

- (v) The applicant shall not tamper with prosecution evidence;
- (vi) The applicant shall appear before Trial Court on dates of hearing regularly, unless exempted for some reason

(PRAKASH D. NAIK, J.)

MST