

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.1369 OF 2023**

GANESH BHAGWAN KURHADE
VERSUS
THE STATE OF MAHARASHTRA

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Mr. A. V. Wadwale h/f Mr. A. M. Gaikwad, Advocate for the Applicant.

Mr. S. P. Deshmukh, APP for Respondents-State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 24th AUGUST, 2023.

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. The applicant is seeking bail in Crime No.493/2021 registered with Tophakhan Police Station, Tq. and Dist. Ahmednagar for the offence punishable under Sections 307, 308, 387, 341, 143, 147, 148, 149, 109, 120-B, 427, 323, 504, 506 of the Indian Penal Code, Sections 4 and 25 of the Arms Act and Sections 3(1) (ii), 3(2), 3(4) of the MCOC Act.

3. The investigation was set in motion vide FIR dated 18.06.2021 on information given by one Vinod Nikam. In short the information received to the police suggests that the accused persons have assaulted the informant by breaking glass of his car. Further there is assault by using the knife. The role of the applicant is specified. He was holding knife in hand and attempted injuries. He assisted other accused persons, who have actually assaulted informant using knife.

4. The learned Advocate appearing for the applicant would submit that the applicant is behind the bar since 18.06.2021. The allegations in the FIR do not show that the applicant is author of the injury caused to the informant. By referring to the medical certificate, he would submit that the informant has suffered simple injuries. He would submit that the provisions of MCOC Act would not apply in the facts of the case. The applicant is ready to abide by the condition, if any, imposed by this Court. Therefore, he urges to enlarge the applicant on bail.

5. Per contra, learned APP vehemently opposes the application. He would submit that as many as 20 offences have been registered against the applicant like assaulting, causing injuries to the Government servant. He is a leader of gang and syndicate of the criminals. He was externed by Police Station MIDC. The co-accused has been convicted for ransom. He would further submit that the charge is already framed and trial is in progress. The release of the applicant at this stage would hamper the prosecution. He would further submit that in view of Section 21(4) of the MCOC Act, the present application do not require consideration.

6. Having considered the submissions advanced, apparently there are serious allegations against the applicant. His role in the FIR is specifically elaborated. He was found with dangerous weapon in his hand. His conduct shows gravity of the offence. Even, after arrival of the police, he continued to follow the informant and attempted to cause injury using knife. As may

as 20 offences are registered against him, which are serious in nature. The Trial has already begun. In view of Section 21(4) of the MCOC Act, no case is made out to grant bail to the applicant. Hence, Bail Application is rejected.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/August-2023