

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

BAIL APPLICATION NO.2210 OF 2022

RAMSING HATYARSINGH TAK
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Jahagirdar h/f Mr. Patil Vishnu Yadavrao
APP for Respondent: Mr. K. S. Patil

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CORAM : S. G. MEHARE, J.

DATE : 27.03.2023

PER COURT :

1. Heard the learned counsel for the applicant and the learned A.P.P for the respondent-State.

2. It has been alleged against the applicant that he assaulted one Mujjafar Siddiqui and caused him injury. He had played active part and was the member of unlawful assembly. The present applicant has lodged counter report against the first informant and others with the same police station. The applicant was injured in the fight between two groups. Unfortunately, the prosecution has no statement of the injured Mujjafar Siddiqui nor his injury report is placed on record.

3. The learned counsel for the applicant would submit that earlier

there were four crimes to his discredit out of which in three cases he has been acquitted and one is pending. He would submit that considering the nature of the crime registered against the applicant none of them is allegedly done or committed *with the object of gaining pecuniary benefits or gaining undue economic or other advantage for himself or any other person or promoting in surgency*. Merely having the crime registered against a person would not attract the Maharashtra Control of Organized Crime Act, 1999 (for short, 'MCOC Act') That apart, he would also argue that the applicant is the injured. He is young boy of 25. He is permanent resident of Kallamnuri. The trial may take its time. Hence, he may be granted bail.

4. The learned A.P.P. opposed the application and submitted that the offence registered against the applicant is serious. The unlawful assembly was formed on the spot of the incident. He is the member of the organized crime syndicate. Due to repeated crimes committed by the applicant and his associates the law and order has been disturbed. *Prima facie*, 'MCOC Act' would attract. Considering the gravity of the offence and role attributed to the applicant, he may not be granted bail,

5. Perused the record. The application of MCOC Act appears

doubtful. Be that as it may, the prosecution has no evidence against the applicant that the so called Mujjafarr Siddiqui was injured and he gave a statement against the applicant. However, it is admittedly a fight between two groups and both of them lodged report against each others. The applicant is one of the injured by assault of rival group. Nothing is to be recovered from him. He is languishing in jail since 27.11.2021. In the facts and circumstances of the case, it would be inappropriate to keep the applicant behind bar. Hence, he deserve bail on stringent conditions.

ORDER

- (i) Application is allowed.
- (ii) Applicant Ramsing Hatyarsingh Tak be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No. 324 of 2021 registered with Kalmnuri Police Station Taluka Kalamnuri, District Parbhani for the offences punishable under sections 307, 326, 336, 427, 143, 148, 140, 452, 341 of Indian Penal Code read with Section 3/25, 4/27 of Arms Act 1959 and Section 135 of the Maharashtra Police Act and section 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act 1999, on the following conditions :

- (a) He shall not tamper with the prosecution witnesses.

- (b) He shall attend the police station Kalamnuri on first day of each month between 10 a.m. to 12.00 noon till the conclusion of the trial.
- (c) He shall not involve in the similar crime.

(S. G. MEHARE)
JUDGE

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