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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.2200 OF 2022**

Vijay Laynya Shinde
R/at Fadtarwadi (Pusegaon)
Taluka Khatav, District Satara

... Appellant

Vs.

The State of Maharashtra

... Respondent

Mr. R. V. Bansode for the Appellant.
Mr. N.B. Patil APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 20TH JANUARY 2023

P. C.

1. Heard learned Advocate Mr.Bansode for the Applicant and learned APP Mr. Patil for the Respondent-State.

2. The present Applicant is one of the accused in dacoity offence and there is supplementary charge-sheet filed against him. Initially, the offence under sections 395, 412 and 511 of the Indian Penal Code was registered with Aundh police station. On 15/06/2019 five unknown persons entered house of the first informant and beaten her husband and robbed her of cash amount and ornaments. During investigation five persons were arrested.

3. It was disclosed that this incident was outcome of unlawful

activity carried out by Organized Crime Syndicate and that's why the provisions of the Maharashtra Control of Organized Crime Act (for short "MCOC Act") were invoked. The charge-sheet is also filed against accused persons under the provisions of said Act.

4. The Applicant claims that he is arrested on 30th July 2020, after period of one year. There is no grievance about absconding of accused in the charge-sheet. There is recovery of cash amount at the instance of the Applicant and identification by two witnesses. Except that, there is no other material.

5. It is contended that except this offence, there is no other offence registered against the Applicant and filing of two previous charge-sheets is requirement of the MCOC Act. The test identification parade was conducted on 15th September 2020, and it is claimed that the witnesses have seen the Applicant on many occasions.

6. The Appeal is opposed on the ground that two previous charge-sheets are not required against every member of Organized Crime Syndicate and my attention is invited to the manner in which offence of dacoity was committed. Furthermore, the dacoits have also attempted to commit dacoity in the house of one Ranjit Sonawane. However, they were not successful and he has also identified the Applicant.

7. It is true that there is embargo for granting bail under section 21(4) of the MCOC Act. The Court has to record satisfaction that the accused is not guilty of offence and he is not likely to commit the

offence.

8. I have perused the affidavit. I am unable to satisfy myself that the Applicant is not guilty of the offence charged. The identification by the first informant and witness Ranjit Sonawane is sufficient to show involvement of the Applicant. The incident of dacoity and attempt of dacoity took place at wee hours in morning. The dacoits entered the house and they were in possession of deadly weapons. Even there is an attempt to break open the house of witness Ranjit Sonawane. So dacoits are involved in one more incident.

9. In the affidavit, the police have mentioned the charge-sheets filed against every accused person and accused Nikal Kale is shown as gang leader. There is offence of dacoity and cognizable offence is registered against him. The act of dacoity is part of organised crime syndicate, so no case is made out for grant of bail. Hence, the Application is rejected.

(S. M. MODAK, J.)