



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 199 OF 2024

HARISH @ LADDHA MANOJ BAHETI

VERSUS

STATE OF MAHARASHTRA

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Advocate for Applicant : Ms. Priyanka R. Deshpande

Advocate for Respondent : Mr. Mukesh K. Goyanka

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 2nd FEBRUARY, 2024.

PER COURT :-

Not on board. On being mentioned, taken on board.

2. This is an application for granting temporary bail for the purpose of attending marriage of daughter of maternal uncle. The applicant is arrested in crime no.119 of 2022 registered with Vimantal Police Station, Nanded, Dist. Nanded for the offences punishable under sections 302, 307, 120(B), 201, 34 of the Indian Penal Code and sections 3, 25, 27(2) of the Arms Act and Sections 3(1)(i), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999. His Bail Application No. 689 of 2023 was rejected by this Court vide order dated 28th November, 2023. The concluding para of the said order i.e. para 7 reads as under :-

"7. Apparently, the confessional statement of the accused Sunil @ Deepak who is main assailant has been recorded under MCOC Act, which clearly depicts that the applicant has assisted him during his stay in the

vicinity of the Nanded for the purpose of giving effect to the crime. Although, it is submitted by the learned Senior Advocate that the confessional statement of the co-accused Sunil @ Deepak does not stand to the scrutiny for want of mandatory procedural compliance under Section 18(3) of the MCOC Act, such question needs to be left for consideration during the trial. Prima facie, considering the seriousness of the offence, role attributed against the applicant and relevant provisions of MCOC Act, I do not find entitlement of the applicant to release him on bail. Hence, Bail Application is rejected."

3. The learned advocate for the applicant submitted that only 2-3 days time will suffice the purpose and the applicant will attend the marriage on 04.02.2024 even in presence of escort. In support of this application, the applicant has submitted the marriage invitation card, copy of the bank account of IDBI bank and copy of Adhar Card etc.

4. The learned APP for the respondent-State strongly opposed the application and submitted that the applicant is involved in serious crime. If he is released on bail, possibility of commission of same nature of crime on his part can not be ruled out. Considering the serious nature of the crime, he lastly submitted to reject the application.

5. Perused the application and the FIR as well as the order passed by this Court rejecting his bail application and other documents. In para 7, while rejecting the bail application, this Court

held that the applicant is arrested in serious crime and his role is specified and therefore, the application was rejected. Considering the serious nature of the crime, the applicant is likely to flee away from the trial or he may commit same nature of the crime again, the application deserves to be rejected. Hence the application is rejected.

(SANJAY A. DESHMUKH, J.)

sga