

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.745 OF 2024

Dilip Rajaram Khude ... Applicant

V/s.

State of Maharashtra ... Respondent

Mr. Shailesh Chavan with Shrikant Panhale and Hrishikesh Avhad, for the applicant.

Mr. Pandurang Gaikwad, APP, for the Respondent / State.

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CORAM : ANIL S. KILOR, J.

DATE : 29TH AUGUST, 2024.

PC:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.222 of 2021, registered with Phaltan Police Station, Satara for the offences punishable under Sections 392, 394, 120(B) of Indian Penal Code and Sections 3 and 25 of the Arms Act and Sections 3(1) (ii), 3(2), 3(4) of the Maharashtra Control of Organised Crimes Act, 1999 (MCOC Act for short).
3. The learned counsel for the applicant makes a statement that the applicant is in jail from last 3 years and 3 months and since

the charge-sheet has been filed he may be released on bail. It is further submitted that there is no sufficient material available against the applicant to connect the applicant with the alleged offence.

4. The learned APP on the other hand strongly opposed the application.

5. Having gone through the charge-sheet and the relevant material collected by the IO, it is evident that the offence is serious and the provisions of MCOC have been invoked.

6. In the confessional statement of co-accused no. 2, Rutik Londhe recorded under section 18 of the MCOC Act, he has categorically stated the role of the applicant. Moreover, CDR supports the case of the prosecution against the applicant.

7. The learned counsel for the applicant though disputing that the CDR supports the case of the prosecution on the ground that the CDR shows that the applicant was in contact with the accused no. 4 against whom there are no serious allegations.

8. It is pointed out that there are no antecedents and the one which is cited by the prosecution that is subsequent one.

9. Considering the fact that the provisions of the MCOC have been invoked against the applicant and further the recovery made of the stolen article at the instance of the applicant, I am of the opinion that this is not a fit case for grant of bail.

10. However, considering the period of incarceration the trial is expedited and liberty is granted to the applicant to apply afresh before

the trial Court after nine months if there is no progress in the trial.

11. The bail application is disposed. of.

12. The learned counsel for the applicant undertakes to place the copy of this order on the record of the trial Court, within two weeks from today.

(ANIL S. KILOR, J)