

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.3824 OF 2023

Sunny @ Sonya Dhanaji Bhandalkar ... Applicant
V/s.

The State of Maharashtra ... Respondent

Mr. Rahul Dhaigude with Ms. Ekta Patil, for the Applicant.

Ms. Veera Shinde, APP, for the Respondent/State.

Mr. N.B. Dhaigude, ASO, Phaltan, Present.

CORAM : ANIL S. KILOR, J.

DATE : 22ND JULY, 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.41 of 2021, registered with Shirwal Police Station, Satara for the offences punishable under Section 395 of the Indian Penal Code, (for short, 'IPC') and Sections 3(1) (ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, (for short, 'MCOC Act')

3. The learned counsel for the applicant submits that on the date of commission of the present offence, there was only one charge-

sheet against the applicant and therefore, the provisions of MCOC were wrongly invoked in the present case. It is further argued that the father of the applicant is old and he is seriously ill and for the purpose to take care of the father, the applicant be released on bail.

4. It is further argued that, the applicant is in jail from last 3 years and considering the period of incarceration, he prays for allowing the present application.

5. On the other hand, the learned APP strongly opposed the application and points out that there are 3 cases common with gang and total 5 cases are there. Furthermore, it is pointed out that, there is a recovery of gold ornaments from the present applicant. It is submitted that the applicant and the ornaments were identified by the informant.

6. The first submission of the applicant that there were no two charge-sheets against the applicant on the date of registration of the present application and therefore, the invocation of the provisions of MCOC is an error committed by the prosecution needs to be rejected, for the reason that, the requirement of having more than one charge-sheet is against the gang and not against the individual.

7. Moreover, considering the recovery of the ornaments from the applicant and further the fact that he was identified by the informant, I am of the opinion that there is sufficient incriminating material against the applicant to show the involvement of the

applicant. In addition to this, there are antecedents against the applicant of similar nature. Thus, in absence of any reasonable ground to believe that the applicant is not involved in the present offence and in view of antecedents, it cannot be said that there is unlikelihood that he will not commit the similar offence if he is released on bail, I am of the opinion that no case is made out for grant of bail. Accordingly, the application is rejected.

8. Considering the period of incarceration, the trial Court is directed to expedite the trial.

9. The learned counsel for the applicant undertakes to place the copy of this order on the record of the trial Court within one week from today.

10. Liberty is granted to the applicant to move afresh before the trial Court in next one year, if there is no progress in the trial.

(ANIL S. KILOR, J)