

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.4548 OF 2024

Deepak Sudhakar Badgajar

.....Petitioner

Versus

The State of Maharashtra

and another

.....Respondents

Mr. Ganesh Gole, Advocate ib. Ateet Shirodkar for the
Petitioner.

Mr. Vinod Chate, APP for the Respondents-State.

**CORAM : SARANG V. KOTWAL &
DR.NEELA GOKHALE, JJ.**

DATE : 12th DECEMBER, 2024

P.C. :

1. This is a Petition for quashing of C.R. No.I-77/2022 dated 15.2.2022 which was registered at Ambad Police Station, District-Nashik initially under Section 307 read with 34 of IPC and under Section 3 read with 25 of the Arms Act. Subsequently, the provisions of the Maharashtra Control of Organised Crime Act, 1999 (for short, 'MCOC Act') were invoked and at present the matter is being further investigated under Sections 3(1)(ii), 3(2), 3(4) of the MCOC Act.

2. Learned counsel for the Petitioner submitted that the date of incident, which is the subject matter of the FIR, is 15.2.2022 in which the first informant was shot at and a bullet hit his leg. On these allegations, the FIR was lodged. The FIR does not mention names of the assailants or even that of the present Petitioner. However, it was suspected that as the Petitioner had decided to threaten this informant and to instill fear in his mind, this incident has taken place. The allegations are that the Petitioner was instrumental in hiring the assailants by approaching another person who was controlling the assailants.

3. Learned counsel for the Petitioner submitted that in this connection, the Applicant has already obtained anticipatory bail on 11.10.2024. After he was granted anticipatory bail, the provisions of the MCOC Act were invoked on 19.10.2024 with *malafide* intentions just to give power to the investigating agency to arrest the Petitioner. He submitted that the Petitioner's father was desirous of contesting State Assembly Elections against the Sitting MLA and, therefore, the

police machinery was misused.

4. Learned APP strongly opposed these submissions. However, he sought time to putforth the material against the Petitioner which necessitated invocation of the provisions of the MCOC Act. He seeks liberty to file affidavit-in-reply.

5. Learned APP further submitted that it is necessary to hear the first informant in this case. He submitted that the State has already preferred an Application for cancellation of anticipatory bail granted to the Petitioner, before the competent Court. He further stated that in this matter till the next date the investigating agency shall not arrest the Petitioner. He makes this statement on the instructions of the investigating officer who is present in the Court. The statement made by the learned APP is accepted.

6. Hence, the following order:

:: O R D E R ::

- i. Learned counsel for the Petitioner is directed to add the first informant as a party Respondent forthwith.

- ii. Issue notice to the added Respondent – first informant returnable on 30.1.2025.
- iii. Learned APP shall file affidavit-in-reply before the next date, with a copy to other side.
- iv. The statement made by learned APP shall have effect till the next date i.e. 30.1.2025.
- v. It is made clear that all contentions of both the parties are left open to be decided on the next date.
- vi. Stand over to 30.1.2025.

(DR.NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

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