

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

**Bail Application No. 2868 of 2024**

Ramkishan Hirala Paliwal

... Applicant

V/s.

State of Maharashtra

... Respondents.

|                                                          |                                |
|----------------------------------------------------------|--------------------------------|
| Mr. Sandeep Mishra a/w. Shrishti Mishra i/b. Ajay Tiwari | Advocate for the Applicant     |
| Mr. A.S.Gawai                                            | APP for the State.             |
| Mr. S.D. Palve                                           | Manpada Police Station, Thane. |

**CORAM : S.M. MODAK, J**

**DATE : 25 October 2024.**

**P.C. :**

Heard learned Advocate for the Applicant and the learned APP.

2. The present applicant is accused No.1. Co-accused who is the purchaser of ornaments by name Arjunsingh Devsingh Sisodiya is granted bail by this Court on 25 April 2023, however, role of present applicant is different from him. Present applicant is charge-sheeted as one of the robber. Another robber is one Mahesh Punaram Jath. Both of them robbed the first informant on 16 May 2022 and there is an offence registered at the instance of Manjula Khutarkar with Manpada police station. Initially, the offence was registered under

Section 392 and 394 read with Section 34 of the Indian Penal Code ('IPC'). Later on, Section 411 of IPC was added. At the fag end, they have invoked the provisions of Maharashtra Control of Organised Crime Act, 1999 ('MCOC Act') on 14 July 2022. Charge-sheet was submitted on 13 October 2022. Several contentions are raised so as to raise doubt about involvement of this applicant. FIR is lodged against unknown person. There may be variance in the description of the vehicle seen by the first informant and vehicle actually seized.

3. This ground cannot be considered at the time of hearing of the bail application. Even though the first informant has witnessed the present applicant, he was wearing helmet and that is also seized but the clinching circumstance is purchase of ornaments. Though statements are that the jeweler Arjun Siosdiya (later on joined as an accused) and Vivek Kamble is a purchaser of part of ornaments, Mahendra Jain is also the purchaser. All the ornaments are recovered from Arjun Sisodiya. The involvement of the applicant is disclosed.

4. The affidavit discloses that there are in all 35 offences of a robbery and another sections against which present applicant is charge-sheeted. The same is mentioned in Para-21 of the affidavit. I am unable to satisfy myself about the twin conditions laid down in Section 21 of MCOC Act. No case for bail is made out. It is rejected.

5. It is true that even such accused is having the right to speedy trial. The case is pending before the MCOC Court, Thane. Trial Court to give priority. If there is no progress in the trial for one year, he can apply for bail. Office to communicate about this order to trial Court.

(S.M. MODAK, J.)