

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

CRIMINAL BAIL APPLICATION NO. 5426 OF 2024

Omkar Machindra Zagade	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mrs. Shubhangi Parulekar, Advocate for the Applicant.

Mrs. P. S. Rane, A.P.P. for the Respondent – State.

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CORAM	:	N. R. BORKAR, J.
DATE	:	11th FEBRUARY, 2025

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 1791 of 2022 registered at Chakan Police Station, District : Pimpri-Chinchwad for the offences punishable under Sections 302, 307, 324, 341, 141, 143, 144, 147, 148, 149, 506, 120-B, of the Indian Penal Code, Sections 4 read with 25 of the Arms Act, 1959, Sections 37(1) read with 135 of the Maharashtra Police Act, 1951 and Sections 3 (1)(ii), 3(3), 3(4) of the Maharashtra Control Of Organised Crime Act, 1999 (for short “MCOC Act”).

3. According to the prosecution, the present applicant is a member of organized crime syndicate formed by co-accused Shubham Mhaske. There was previous enmity between the complainant and the co-accused Shubham Mhaske. It is alleged that due to said enmity on the date of incident which took place on 21.11.2022, the said co-accused and his associates assaulted the complainant and the deceased by deadly weapon. It is alleged that after the incident they were taken to hospital, however, as the deceased was severely injured, he succumbed to his injuries.

4. It is alleged that after committing the alleged crime, the co-accused Shubham Mhaske and his associates came to the house of the present applicant. They disclosed the alleged incident to the present applicant. It is alleged that the present applicant provided them vehicle and cash to facilitate their escape.

5. The learned counsel for the applicant submits that the applicant has no concern with the alleged organized crime syndicate of co-accused Shubham Mhaske. It is submitted that there is no material to show that the applicant was the part of any conspiracy to commit the alleged crime. It is submitted

that the applicant is in jail for more than two years.

6. On the other hand, the learned A.P.P. for the Respondent-State submits that the applicant is involved in six more crimes, out of which, one crime is for the offence punishable under Section 302 of the Indian Penal Code. It is submitted that, considering the overall facts and circumstances, the applicant may not be released on bail.

7. It is not disputed that the applicant is involved in six more crimes. In such situation, if he is released on bail, the possibility of committing another crime can not be ruled out. In such situation Section 21(4) of the MCOC Act prohibits grant of bail. The application is therefore rejected.

(N. R. BORKAR, J.)