

Special Case No.304/2023
Sonu @ Sonya Sudhakar Pawar Vs. State of Maharashtra

Order below Exh.76:
(Delivered on 19.06.2024)

1) This is an application for regular bail under section 439 of the Code of Criminal Procedure, 1973 in Crime CR.No.I-641/2023 dated 13.06.2023 (Special Case No.304/2023) registered with Rahuri Police Station, Tal. Rahuri, Dist. Ahmednagar, for the offences punishable under section-395, 394, 364(A), 323, 341, 427, 504, 506, 34, 120(b), 325 of the Indian Penal Code, under Section-37/135 of the Bombay Police Act and under Section-3(1)(ii), 3(2), 3(4) of MCOCA Act.

2) The prosecution alleged that, on 12.06.2023 complainant Anil Ghadage was having cash of rupees three lakh with him and he obtained rupees six lakh by way of hand loan. Thereafter, at 8.30 p.m. when he was proceeding by his car towards Rahuri with his car driver at 9.30 p.m. near Petrol Pump at Mula Dam Phata one silver/white Car came across his Briza car. Four persons get down from that car having their faces covered and armed with scythe. Out of them, one person broken driver side rear window glass and opened the door. Then driver of his car was forcibly taken away and made to sit by his side and to their either side two persons sat and remaining two sat on front seat. Then those persons taken search in his bag and taken away cash amount of Rs.9,00,000/-, his gold chain, gold ring and after roaming in the car for half and hour their clothes were taken away and they were driven out from the car. They were beaten by hard and blunt object. Driver was also beaten by fist and kick blows. They further told that

they had taken contract to kill complainant and asked him to give more amount by calling it through his friends, brothers, etc. otherwise they will kill him. Thereafter, again they were made to seat in the car. One tape was tied on their eyes and ordered not to remove it for next ten minutes and then they left from that spot. Thereafter, complainant went to Rahuri Police Station and lodged report. Accordingly, this offence came to be registered. Accordingly, this offence came to be registered.

3) The learned advocate for applicant submitted that the incident occurred on 12.06.2023. The complaint was lodged on 13.06.2023. The police station was at a distance of only 5 Km. Still delay occurred. There is no material for offence under Section-395 of the Indian Penal Code. At the most ,offence under Section-394 of the Indian Penal Code is made out. The provisions of MCOC Act were not applied on 07.09.2023. The applicant is innocent and permanent resident of above address. He is the karta of the family. His family is suffering from great problems. No overt act is attributed to him. Other accused are released on bail by the Hon'ble High Court. The role of present accused is at par with those accused. Nothing incriminating was recovered from him. Therefore, he may be released on bail.

4) The prosecution submitted reply (Exh-81) alleging that, applicant was engaged in the party, who had assaulted the complainant and his driver. The proposal for imposing provisions of MCOC Act were sent to Special I.G. It was approved on 07.09.2023. The present applicant is accused No.4, involved in various serious organized crime. His previous bail application was rejected by the sessions court. There is every possibility that, he would threaten the witnesses and would hamper or tamper with the

evidence. Hence his application may be rejected.

5) The complainant appeared and filed protest petition vide Exh-81 strongly opposing the application.

6) After hearing both parties it transpires from remand papers that ,the gang leader Yogesh is the main accused. One of the accused is the present applicant , who is the member of organized crime syndicate. Some of the accused are still absconding. The stringent provisions of MCOC Act are attracted. The accused are engaged in organized crime syndicate and therefore, it appears that if he is released, he will engage in his old business of committing crime , for which already prima facie there is sufficient material on record. There is every possibility that, he will threaten the complainant and witnesses. The activities of the accused of preferring one application after other have already delayed the trial. He is responsible for not proceeding with the trial at its earliest. There is no change in circumstances. The role of applicant is not at par with those accused who were released on bail by the Hon'ble high court. Therefore, he is not entitled for bail. Hence, following order;

ORDER

The Bail Application Exh-76 is rejected.

Date : 19.06.2024
Place : Ahmednagar

(**Niranjan R. Naikwade**)
Additional Sessions Judge,
Ahmednagar JO Code-MH01063