

**Sessions Trial No. 87/2014.**  
State Vs. Gous Ali @ Raja & Ors.  
Applicant- Pankaj s/o Dinkar Bhaje.

**Order Below Exh.5**  
(Passed on 08.08.2014)

This is the second bail application filed by applicant for grant of regular bail for an offence punishable under sections 392 and 413 r/w 34 of the Indian Penal Code.

2] Heard Mr. Bhangde, learned advocate for the applicant Pankaj Bhaje and Mr. Kataria, learned A.P.P. appearing for the State.

3] Mr. Bhangde, learned advocate for the applicant has submitted that the applicant is a goldsmith. He has been falsely implicated in this case on the allegations that he is habitually dealing in stolen property. The applicant had filed earlier application for bail which was rejected by this Court. Learned advocate further submitted that other accused involved in the present crime have been charge-sheeted for the offence punishable under M.C.O.C. Act and therefore, as per the provisions of section 10 of the M.C.O.C. Act the trial of this case shall be kept in abeyance and till then accused will have to be remained in jail. According to learned advocate, filing of charge-sheet against co-accused under MCOC Act being a subsequent development, the applicant is entitled to be released on bail.

4] As against this, Mr. Kataria, learned A.P.P. appearing for the State has submitted that six criminal cases are pending against the accused in which the co-accused Gous Ali had made confessional statement that he had sold the stolen property i.e. gold articles to the applicant. Applicant had also given confessional statement that he had sold such property to other goldsmith and in consequence of his information, two nuggets weighing 18 grams worth Rs.60,000/- were seized from goldsmith Amol Khot. According to learned A.P.P., since the applicant is habitually dealing in stolen property and his first application was also rejected, he may not be released on bail.

5] On going through the record, there can be no doubt that the co-accused as well as the applicant has made confessional statements and in consequence of their statements gold nuggets were seized from the possession of goldsmith. Learned advocate for the applicant has filed an application before his Court informing that the co-accused are being prosecuted before the Special Court in M.C.O.C. case in Special Case No. 6/2013. Learned advocate rightly submitted that in view of section 10 of the M.C.O.C. Act, the trial of the special case under M.C.O.C. Act will have to be given precedence and the other trials of the other cases shall have to be kept in abeyance. In other words, the applicant will have to remain in jail without trial. It is not certain as to when the trial in special case would be completed and till then it would not be justifiable to keep the applicant behind the bars. The application therefore, deserves to be allowed. Hence, I proceed to pass the following order.

**Order**

Application is allowed.

Applicant Pankaj s/o Dinkar Bhaje be released on bail on his executing P.R. Bond for Rs.20,000/- with one solvent surety in the like amount on condition that he shall not leave the jurisdiction of this Court without prior permission and shall attend the Court on each and every date of hearing at 11.00 a.m.

Nagpur  
Dated- 08.08.2014.

**(V. T.Suryawanshi)**  
Addl. Sessions Judge-7,  
Nagpur