

IN THE COURT OF ADDITIONAL SESSIONS
JUDGE-3, NAGPUR.

S.T.No.87/2014.

C.R.No.25/2013.

State vs. Gous Ali and Ors.

**Raja @ Gaus Ali Waris Ali,
Lalya @ Moin Ansari Mohammad Ansari,**

Versus

State of Maharashtra through P.S.O. Dhantoli, Nagpur.

ORDER BELOW EXH.22

(Passed on 05/12/2022)

1] This is an application for regular bail under Sec.439 of Cr.P.C. by accused / applicant Nos.1 and 2 namely Raja @ Gaus Ali Waris Ali and Lalya @ Moin Ansari Mohammad Ansari.

2] The brief story of prosecution case is that, on 2/02/2013 at about 21:40 hrs. at Ajni Chuna Bhatti road, in front of Anil Pan shop, Nagpur the applicant / accused Nos.1 and 2 committed robbery of gold necklace / locket amounting to Rs.60,000/- of 20 gms from complainant's wife by forcibly snatching it, when complainant and his wife was proceeding on their motorcycle and fled away from the spot and sold it to the co-accused Pankaj. Therefore, the offence came to be registered against the accused.

3] In the application the accused contended that, there is no recovery to be made from the accused. The accused are falsely implicated in the offence. They are behind bars since 2013. The co-accused Pankaj Bhaje is already released on bail. The period of punishment prescribed under this section is undergone by the accused and requested to release them on bail.

4] Perused the application and say filed by learned A.P.P. Shri.Khule on the application itself and contended that, the charge-sheet and papers reveals prima facie case against the accused. The accused are involved in commission of offence. There is possibility of tampering of prosecution witnesses and requested to reject the application.

5] Heard, advocate for applicant / accused Shri. Lubesh Meshram and learned A.P.P. Shri.Khule.

6] Perused the record. It is found that, the charge-sheet was filed in this case in the year 2013 and the case was committed to this Court on 12/2/2014. However, it was found that the accused were facing the trial of MCOCA and in view of Sec.10 of MCOCA Act, in the present case, the I.O. was asked to give the details of the accused with regard to whether any MCOCA cases are pending or disposed of and since then as the MCOCA case was going on, the matter was pending for report of I.O.

7] The advocate for accused reported to the Court by filing pursis vide Exh.25 that the case against the accused under MCOCA Act is disposed of and the present accused are acquitted and other accused Nos.3 and 5 are convicted. He has also filed copy of said judgment. It is found that, in the present case the accused No.1 Gaus Ali Raja S/o. Waris Ali and accused No.2 Moin Ansari @ Lalya Mohd. Ansari and accused No.4 Imran Khan @ Ismail Khan and accused No.6 Satyendra Rajbahadur Gupta of Special MCOCA case No.6/2013 were acquitted of the offence punishable under Sec.395 R/w.397, 307 R/w.34, 120(b) and 201 of I.P.C., Sec.3/25 and 4/25 of Arms Act and under Sec.3(1)(ii) and 3(4) of MCOCA Act were acquitted and other accused were convicted. The learned advocate for accused No.1 and 2 also filed the pursis below Exh.26 stating that, except above case of MCOCA Act, no any other case of MCOCA Act is pending against the accused. Considering this, now there is no hurdle of pendency of MCOCA case against the accused.

8] As far as, the charge-sheet and police papers are concerned, it is found that, already the investigation is completed. Charge-sheet is filed against the accused. The accused in the present case are charged under Sec.392 and 413 R/w.34 of I.P.C. Considering the nature of offence and allegations against the accused, the accused can be released on bail. Hence, I pass the following order :-

ORDER

- 1] The application below Exh.16 in S.T.No.87/2014 for grant of bail under Sec.439 of Cr.P.C. filed by applicants namely **Raja @ Gaus Ali Waris Ali and Lalya @ Moin Ansari** in connection with C.R. No.25/2013 for the offences under Sec.392 and 413 R/w.34 of I.P.C. at Dhantoli Police Station is hereby allowed.
- 2] The applicants-accused **Raja @ Gaus Ali Waris Ali and Lalya @ Moin Ansari** be released on bail in connection with C.R.No.25/2013 (P.S. Dhantoli) on furnishing of their P.B. of Rs.25,000/- (Rs. Twenty five Thousand only) each with one solvent surety of like amount.
- 3] The applicants-accused shall not tamper with the prosecution evidence in any manner.
- 4] The applicants- accused shall make themselves available for interrogation by the Investigation Officer as and when required.
- 5] The applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any Police Officer.
- 6] The applicants shall furnish their Aadhar card number / Pan card and mobile number as well as aadhar card or pan card and mobile number of their two blood relatives.

Place :- Nagpur.

Date :- 03/12/2022.

(**M.V.Deshpande**)
Additional Sessions Judge-3,
Nagpur.