

MHSO050012002023



Special Case (MCOCA) No.01/2023

ORDER BELOW EXH.50
(Dated 23.12.2024)

1 This is successive application for bail u/sec.21(4) of the MCOC ACT 1999 r.w. Sec.483 of Bhartiya Nagari Suraksha Sanhita, 2023 filed by accused Pratik @ Babalu Haribhau Prakshale requesting to bail in connection with Crime No.28/2023 registered with Pandharpur Taluka Police Station for the offences punishable under sections 307, 323, 506, 143, 147, 148, 149, 392 of IPC and Sec. 3(1) (ii), 3(2), 3(4) of M.C.O.C. Act, 1999.

2 Learned APP cum I.O. has filed say vide Exh.52 and resisted the bail application. Heard both sides. Considering the submissions following points arises for my determination and I have recorded my findings with reasons thereon as below :

Points	Findings
1 Whether applicant / accused is entitled for bail ?	In the negative.
2 What order ?	As per final order.

REASONS

3 Learned advocate for applicant / accused submitted that the present applicant had not committed any offence as alleged by the complainant and the prosecution. There is no recovery and discovery from the present applicants of the present crime. The Hon'ble High Court of Bombay has granted bail to co-accused named Nikhil Rajurkar and Ravindra Gurav. There is no legal evidence available against the present applicant for sustaining the charge of MCOCA. The applicant is ready and willing to furnish solvent surety before the Court and ready to abide by any condition imposed by the Court. If the applicant/accused released on bail, he will not tamper with the prosecution evidence.

4 Learned advocate for accused relied on bail order passed by Hon'ble High Court in Criminal Bail Application No.2373/2024 and No.1324/2024.

5 On the other hand, learned APP submitted that the accused Pratik @ Bablu Hri Prakshale is leader of organized crime and along with partners and threatened to complainant by saying that तुझाकडून पैसे येणे आहेत and demanded money repeatedly and assaulted him by stone, kicks and blows and attempted to commit murder by stabbing knife in the stomach of complainant. The applicant is leader of the criminal gang and having criminal antecedents in various offences at different police stations and spread terror in the society. Despite action against the members of gang, no change in his character. The present applicant offender of organized gang and if he is released on bail, he will commit such type of offences and will break the peaceful atmosphere of society. The medical report of complainant shows that stab injury at Rt. Iliac fossa – Greivous, Protrusion of omentum through stab injury – Greivous, Stab injury horizontal 2 cm in length extending in to partitoneal cavity and oozing blood through injury site – Greivous. The present applicant is habitual offender since last 10 years and committed serious offences.

6 The complainant / prosecution relied on the case of **Narendra Singh @ Dallu Sardar Vs. State of Maharshtra, 2015 ALL MR (Cri)54.**

7 I have gone through the record. There was money transaction in between complainant and accused and accused demanding frequently to the complainant. It is to be noted here that in this case accused is facing trial under Sec.307 etc. of IPC along with the provisions of MCOCA. Record shows that so many offences / cases are pending against present accused. On

15.01.2023, the accused made phone to complainant and called him at Bhatumbare village. The accused persons formed unlawful assembly in prosecution of their common object, accused No.3 caught complainant and accused No.2 assaulted him back by stone and accused No.4 and 5 assaulted by kicks and fists blows. Accused No.1 threatened complainant saying that “तुला आता मी जीवंत सोडत नाही” and stabbed knife in his stomach.

8 According to police papers dated 27.09.2024, the accused No.1 i.e. present applicant arrested on 15.01.2023 and produced knife used in commission of offence. The accused No.4 and 5 are released by the Hon’ble High Court. The I. O. Has submitted charge-sheet vide No.98/2023 on 11.04.2023 against the accused No.1, 2, 4 and 5 vide Cr.PC. 173(8) and against accused No.3 vide Sec.299 of Cr.PC. The accused is habitual offenders having criminal antecedents in various and different crime and different nature of offences and the present applicant is gang leander of the organized offenders and because of them, terror spread in the society. It is to be noted here that there are total 20 offences pending against the present accused in different police station as well as preventive action is taken against him including externment. The ratio laid down in above cited case, relied on by the prosecution relates to discharge of accused and not relates to them. Under such circumstances, the accused is not entitled to be released on bail. There are no sufficient grounds in the application and therefore, it deserves to be rejected. Hence, I answer my findings accordingly and proceed to pass following order.

ORDER

- 1 The application Exh.50 is hereby rejected.
- 2 The application is disposed off.

(D. N. Surwase)

Date : 23.12.2024

Special Judge (MCOCA), Pandharpur

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment/Order.

- a) Name of the Stenographer : S. A. B. Shaikh, Steno Grade - I
- b) Court : Special Judge, Pandharpur
- c) Date of Order : 23.12.2024
- d) Order signed by the : 23.12.2024
Presiding Officer on
- e) Order uploaded on : 23.12.2024