

MHNS010069212022



**Order below Exh. 1 in
Criminal Bail Application No. 1594/2022
(Avinash Rangnath Kedar V/s. State)**

Perused application and say Exh.5. Heard both the learned Counsels.

2. By this application under section 21(4) of the Maharashtra Control of Organized Crime Act, 1999 (for short 'the Act') erroneously mentioned as Section 439 of Cr.P.C., the applicant/accused **2-Avinash Rangnath Kedar** in Crime No. 273/2022 registered with Satpur Police Station, Nashik under sections 384, 386, 341, 143, 147, 149, 427, 506 r/w. 34 of the Indian Penal Code (for short 'the Code') and sections 3(1)(ii), 3(2), 3(4) and 3(5) of the Act, seeks regular bail.

3. It is objected over tenability.

4. The learned Counsel for the applicant has vehemently submitted that the learned Special Inspector General of Police & Commissioner of Police, Nashik City has accorded sanction under section 23(2) of the Act only against accused 7, other than applicant. The investigating officer did not apply for approval against the applicant. Already six

accused were bailed out by the Magistrate concern, observing that the complainant is habituated in lodging an FIR.

5. The learned Special Prosecutor has submitted that, the investigating officer has availed the CDR disclosing links connection of all the accused next before commission of offence. Yet, the identification parade is to be conducted and investigation is in full swing.

6. Whether or not, the provisions of the Act has application at this juncture need not be peeped into. It may be decided in due course. On going through the record, it is conspicuous that upon perusal of progress of investigation of C.R.No.273/2022 registered at Satpur Police Station, Senior Police Inspector of Satpur Police Station has submitted the report and sought 'approval' to investigate the said crime under the Act.

7. On going through the said report/proposal, the learned learned Special Inspector General of Police & Commissioner of Police, Nashik City has observed that the wanted and arrested accused being the members of Organized Crime Syndicate have committed the offence. After application of mind, he accorded 'approval' under section 23(1) (a) of the Act on 01.12.2022 and appointed Sohail Shaikh, Assistant Commissioner of Police, Ambad Division, Nashik to investigate

the crime and directed him to obtain 'sanction' under section 23(2) of the Act before filing charge sheet.

8. Since, now only one month have been elapsed, the investigation is not complete. The learned Counsel for the applicant has vehemently submitted that the applicant has no criminal antecedents. I am not convinced by these submissions especially when it is a matter of investigation and it would be too early to comment it upon.

9. In view of above, applicant is not entitled even on conditional bail pending investigation. Hence, the order :-

ORDER

Application stands rejected.

(Vikas S. Kulkarni)
Special Judge under MCOA Act,
Nashik.

January 7, 2023