

MHNS010002442022



**Order below Exh. 1 in
Criminal Bail Application no.91/2022**

Vishal Sahebrao Tupsundar

Vs.

State

1. Perused application and say. Learned Counsel for applicant remained absent since long. Thus, instead of dismissing the application in default, I am deciding it on merits.
2. By this application, applicant/accused 1 Vishal Sahebrao Tupsundar of Crime No.292/2021 registered with Wavi Police Station, Nashik under sections 307, 386, 143, 147, 148, 149, 504, 506 of the Indian Penal Code; section 4/25 of the Arms Act and sections 3 (1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (for short 'the Act') seeks regular bail.
3. It is objected over tenability and role attributed by applicant.

4. It appears from the record that, the applicant was apprehended on 17.10.2021 and remanded to MCR till 21.10.2021. After submission of final report under section 173 Cr.P.C., the prosecution has applied MCOC Act. Thereafter, the prosecution has sought custody of applicant and on 19.03.2022 he was remanded to PCR and since 12.04.2022 he is in judicial custody.

6. The learned Special Public Prosecutor vehemently submitted that, since the investigation under the Act is in progress, it would not be opposite to release the applicant.

7. The prosecution has applied the provisions of the MCOC Act and sanction is subjudice pending investigation, the statutory period for completing the same under the Act is 180 days. The provisions of the Act have overriding effect upon the general law of Cr.P.C. Unless the report of investigation by the Competent officer is reached, in my view it would not be opposite to released the applicant on bail. Hence, order : -

ORDER

Application stands rejected.

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

May 25, 2022.