SC No.59318/2016
STATE Vs. MANOJ @ MORKHERI
FIR No. 55/2016
PS Crime Branch-North Delhi
U/s. 3/ 4 MCOC Act

22.09.2025

File taken up today on an application U/s. 483 BNSS for grant of regular bail moved on behalf of applicant/accused **Dheerpal @ Bagadi @ Deepak.**

Present: Sh. Sanjay Jindal, Ld. Addl. PP for the State.
Sh. L. S. Saini, Ld. Counsel for applicant/accused
(Through VC)

Reply to the above said application has already been received.

Ld. Counsel for applicant/accused submits that applicant/accused is in JC 09.05.2016 and he has been falsely implicated in the present case. It is further submitted that matter is at the stage evidence. It is further submitted that prosecution cited sixty (60) prosecution witnesses and till date only thirty six (36) prosecution witnesses were examined, so, it takes considerable time to concluse the case and the applicant/accused is inside the custody in this case for the period of more than nine (09) years. It is further submitted that applicant/accused was arrested in some other case on 20.07.2012 and since then the applicant/accused is continously inside custody for more than thirteen years (13). It is furher submitted that the applicant/acucsed has been falsely given in the above said case when the present applicant/accused was confined jail in some other case and therefore he was arrested in above said case on 09.05.2016 i.e., more than nine (9) years except brief priod of interim bail. It is further submitted that the above-said case registered on 19.04.2016 the present applicant/accused along with twelve (12) other co-accused persons.

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It is further submitted that applicant/accused is not involved in continuing unlawful activity as a member of organize crime syndicate or not involved in organised crime. It is further submitted that allegations made against the present applicant/accused are not sufficient to attract the provisions of MCOC Act. It is further submitted that for the purposes of invoking Section 3/ 4 of MCOC Act continuing unlawful activity must be a part of an organized crime syndicate. For invoking section 3/ 4 and other sections of MCOCA, following are the essential ingredients i.e.

(a) it must be committed either as a member of an organised crime syndicate or on behalf of such syndicate,

(b) use of violence or that or other unlawful means,

(C) gaining undue economic or other advantage for himself or for any other person.

It is further submitted that all these ingredients are required for an activity to be an organised crime U/s. 3/ 4. Any ingredient missing shall not make the activity as organized crime. It is further submitted that entire chargesheet is silent on the pecuniary advantage gained by the applicant/accused or other accused persons. It is further submitted that despite investigation, no evidence was found to show any pencuniay gain derived by applicant/accused out of the criminal activities. It is further submitted that applicant/accused got married and he blessed with a daughter recently and on the said ground, the Hon'ble Court granted applicant/accused interim bail for a period of thirty (30) days by the Court of Ld. ASJ, South-West District, Dwarka Courts, Delhi in case bearing FIR No.147/2011 PS Dwarka, Sector-23, Delhi. It is prayed that above said application may kindly be allowed.

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On the other hand, Ld. Additional PP for State strongly opposed the bail application and submitted that allegations against the applicant/accused are serious in nature. It is prayed that the above said application may kindly be dismissed.

This court has given thoughtful consideration to the submissions made by Ld. counsel for applicant/accused and Ld. Additional PP for State and has also perused the record placed before the same.

Perusal of the record shows that in the present case, Charge for the offences punishable U/s. 3 (1) (i), U/s. 3 (1) (ii) and U/s. 3 (4) of Maharashtra Control of Organized Crime Act, 1999 have been framed against applicant/accused and his co-accused persons vide order dated 09.03.2022 by my Ld. Predecessor. A detailed order has been passed on the point of charge which clearly shows that prima facie case for the offences alleged against applicant/accused **Dheerpal @ Bagadi @ Deepak** is made out. Further, as per chargesheet, applicant/accused **Dheerpal @ Bagadi @ Deepak** is one of the member of the Organized Crime Syndicate and he was involved in various FIR cases pertaining to the organized crime syndicate, apart from other criminal cases.

It has been argued on behalf of applicant/accused **Dheerpal @ Bagadi @ Deepak** that he has remained in JC since 09.05.2016 i.e. for a period of about nine (09) years. However, it is pertinent to mention that the trial has been delayed for various reasons such as non-production of accused persons from JC (involved in various cases pertaining to Delhi & Haryana, jumping from interim bail by applicnt/accused **Dheerpal @ Bagadi @ Deepak** and consequently declared proclaimed offender twice as well as stay of trial due to Corona Pendamic.

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Further, charges in the present case have been framed in the year 2022 and around 36 prosecution witnesses have been examined till date despite huge pendency.

Section 21 (4) of Maharashtra Control of Organized Crime Act, 1999 is relevent in this context and the same read as follows:-

"Notwithstanding anything contained in the Code, no person accused of an offence punishable under this Act shall, if in custody, be released on bail or on his own bond, unless-
(a) the Public Prosecutor has been given an opportunity to oppose the application of such release; and
(b) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

The allegations against applicant/accused are serious in nature. Matter is still at the stage of recording of Prosecution Evidence and any other material witnesses are yet to be examined. Therefore, at this stage, it cannot be said that there are reasonable grounds for believing that applicant/accused is not guilty of alleged offence and that he is not likely to commit any offence while on bail to the satisfaction of this Court as described in Section 21 (4) of Maharashtra Control of Organized Crime Act, 1999.

In view of above discussion and considering the seriousness and gravity of offences alleged against applicant/accused **Dheerpal @ Bagadi @ Deepak**, **this Court is not inclined to grant bail to applicant/accused. The present bail application is accordingly, dismissed.** Copy of order be given dasti to the concerned parties. The present bail application file be tagged with the main case file.

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(Sushil Kumar)
Addl. Sessions Judge-04
North District Rohini Courts Delhi
22.09.2025 (R)