Bail SC – 90/2022
FIR No. 358/2020
PS Kanjhawala
State Vs. Ashish @ Deva

02.04.2024

Present: Sh. Sanjay Jindal, Ld. Addl. PP for the State.
Sh. Kartik Vaid, Ld. Counsel for applicant/accused.

This application u/s 439 Cr.P.C has been moved seeking release of applicant/accused Ashish @ Deva on regular bail.

Ld. Counsel for the applicant has submitted that no similar application is pending before any other court.

Arguments have already been heard.

The present case FIR u/s 3(1)(i)/3(2)/3(4) of MCOC Act was registered on 02.10.2020 on a complaint lodged by Insp. Praveen Vats after seeking requisite sanction u/s 23 MCOC Act. The application says that as per case of prosecution, one co-accused Deepak @ Teetar is the Kingpin of a crime syndicate. It was Deepak @ Teetar who had revealed the name of the applicant during investigation. Besides Deepak @ Teetar, none of the co-accused has taken the name of the applicant/accused in their confessional statement. Whereas, three co-accused persons have revealed the names of each other. The confessional statement of Deepak @ Teetar also talks about one case pertaining to 2012 where present applicant was involved alongwith him. Further submitted that during investigation, applicant/accused joined the investigation as and when called by the IO. The bank account statement of the applicant was also analyzed by the IO during investigation but no unusual transactions were noticed. The submission made is that case against the applicant is not well founded, therefore, it is prayed that he be released on bail.

On the other hand, Ld. Addl. PP has submitted that there are total five FIRs against the present applicant. Out of those five FIRs, two are with the principal accused and three are independent. Out of those two FIRs, one FIR No. 110/2012 u/s 365/392/34 IPC was taken up for trial. After trial, applicant/accused was acquitted. Another FIR No. 217/2016 u/s 186/353/34 IPC & 25/27/54/59 Arms Act is still pending trial wherein the allegations against the applicant/accused are serious in nature. Ld. Addl. PP has also submitted that it is not the mandate of MCOC Act that every FIR has to be registered against every member of the crime syndicate. If a crime syndicate exists, any person can be prosecuted under MCOC Act in capacity of being its member, even if no FIR has been registered against him. Here in this case, there is no doubt that a crime syndicate for extortion and unlawful activities was being run by Deepak @ Teetar and applicant/accused was associated with him. Thus submitted that the fact that his name was not mentioned in every FIR would not make any difference.

Arguments heard. Record perused.

Deepak @ Teetar is stated to be running a crime syndicate which is involved in numerous criminal activities. The applicant/accused is stated to be member of that crime syndicate. As per the record, five FIRs have been registered against the applicant/accused out of which he was prosecuted along-with Deepak @ Teetar in two cases. Furthermore, at the stage of consideration on bail, this court is not supposed to enter into the details of those FIRs, that is matter of trial. In addition to the above FIRs, applicant himself had revealed his association with the crime syndicate run by Deepak @ Teetar. Deepak @ Teetar has also stated the applicant to be one of his associate. Further, similar application has already been dismissed vide order dt. 30.11.2023. After dismissal of the aforesaid application, no substantive change of circumstances has taken place. **Application is accordingly dismissed.**

It is clarified that observations made here-in-above are for purpose of this bail application only and same shall not have any bearing in the merits of this case at any stage.

Application stands disposed off.

(BABRU BHAN)
ASJ-03, N/W, ROHINI COURTS
DELHI/02.04.2024