

IN THE COURT OF DISTRICT JUDGE-1, & ASJ, GONDIA.

SPL. (MCOCA) CASE NO. 41/2022.
(CNR NO.MHGO01000647-2022)

State, PSO, Deori -Vs- Ajay Kumar & other.

ORDER BELOW EXH.05.

(Passed on this 16th day of July, 2022)

This is an application filed by applicant/accused No. 6 **Baljit Ratansingh** for grant of bail u/s 439 of Cr.PC. The applicant/accused has been arrested on 03/11/2021 by Police Station, Deori in Crime No. 249/2020 for alleged offence punishable under Sec. 393, 341, 342, 365, 323, 120(B), 412 of IPC and Sec. 3(1)(ii), 3(2), 3(4), 3(5) of MCOCA Act. This is second bail application. The first bail application was rejected by order dated 16/02/2022 before filing of the charge-sheet.

2] Prosecution case in brief is that on 26.10.2021 at 7:30 p.m. within the jurisdiction of Deori Police Station, Gondia informant Arjunsing Natuba Jadeja, aged 35 years, R/o Satalpur, Distt. Patan, Gujarat was coming from Raipur and going to Nagpur in Scorpio vehicle bearing registration No. KA-05/MY-2215. When the informant reached Masulkasa Ghat, 8 to 10 persons stopped his vehicle by surrounding it by three vehicles. Those persons beat the informant and snatched Rs. 35,000/- from him. On the report of the informant crime No. 249/2021 for the offences punishable

under sections 395, 341, 342, 365, 323 of the IPC was registered with Deori Police Station and investigation started on 27.10.2021.

3] During investigation, it transpired that on the information of the owner of Scorpio Rs. 3,76,00,000/- was kept in the Scorpio vehicle and those were removed from the Scorpio by the accused. During investigation some of the accused were arrested on 03.11.2021 and money was recovered from them. On 12.11.2021 two accused were arrested and money was recovered from them. During investigation, the IO came to the conclusion that all the accused had formed Organized Crime Syndicate and they had committed number of other offences which included murder, kidnapping, extortion, robbery, Arms Act and other sections of IPC and other Laws. On the report of Police Inspector Singanjude the provisions of MCOG Act were invoked by the Deputy Inspector General of Police, Gadchiroli Range, Camp at Nagpur. Thereafter, the police custody of the accused were sought for further investigation and now all the accused are in judicial custody. Charge-sheet is filed against all the accused for the offence punishable under Sec. 395, 341, 342, 365, 323, 120(B), 412 of I.P.C. and 3(1)(ii), 3(2), 3(4), 3(5) of MCOG Act.

4] Learned advocate Shri Nizam Shaikh for the applicant submits that the applicant has been falsely implicated. There are various contradiction and omissions on the record of the charge-sheet. The investigation is completed. Case under MCOC Act is not made out against the applicant as there is no continuing of unlawful activity or organized crime. The applicant is not a member of a organized crimes syndicate. Only Innova vehicle No. UP-16/AV-6723 is recovered from the applicant owned by him. He had only provided his vehicle to the accused and was not knowing about the offence. He has prayed for grant of bail.

5] IO filed his reply at Exh.6 and opposed the application on the ground that the vehicle recovered at the instance of accused is owned by him. He was visible in the CCTV footage camera along with other co-accused in the said vehicle. Prima facie case is made out against the applicant under MCOC Act. He has prayed for rejection of the application.

6] Learned DGP Shri Chandwani has filed say and opposed the application on the ground that prima facie case is made out against the applicant/accused. He was seen in the CCTV footage along with other accused in the said vehicle.

The said vehicle was recovered from the applicant. The offence is of dacoity of Rs. 3.76 Crores. One of the accused is absconding. The accused may abscond if released on bail. He has prayed for rejection of application.

7] Perusal of record shows that the ADGP has accorded sanction to prosecute the applicant/accused under MCOG Act. The vehicle used in the offence is owned by the applicant and is recovered from him. The applicant is also visible in the CCTV footage at various point along with co-accused in the said vehicle. Prima facie case is made out against the applicant. There are every chances of his absconding if released on bail. He is permanent resident of UP. Hence, I pass following order.

ORDER.

- 1) Application (Exh. 05) is hereby rejected.
- 2) Application is disposed of.

Gondia.
Dated:16.07.2022.

Sd/-*
(Adil M. Khan)
District Judge-1 & ASJ,
Gondia.