



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. 235.

(Passed on this 18th day of July, 2025)

Seen application.

2. First bail application of the present applicant was moved vide Exh.123. The said application was rejected on 20/02/2024.

3. Therefore, applicant filed Criminal Application (BA) No. 1184/2024 before Hon'ble Bombay High Court, Nagpur Bench.

4. On 04/02/2025, applicant withdrew the said bail application under the pretext that applicant is similarly situated with applicant/accused No. 11 Krushipal Singh and

applicant/accused No.5 Jitendra Singh whose applications were decided by this court vide Exh.64 on 18/01/2025 and vide Exh.175 on 20/01/2025.

5. Thereafter, applicant has moved this application. This application was taken for hearing along with application Exh.156 & 195.

6. I.O. and APP have filed reply vide Exh.236.

6. During the course of hearing of this application, applicant had relied upon authorities which are filed on record vide Exh.247:

(i) Sharad -Vs- State of Mah, CRLA No. 57/2017, Live Law dated 23/02/2018 SCC.

(ii) Rajpal -Vs- State of Rajasthan, AIR, Online 2023 SC 1246.

(iii) Tohid Shaikh -Vs- State of Maharashtra, AIR, Online 2024 BOM 561.

(iv) Aliya Sayyad -Vs- State of Maharashtra, AIR, Online 2022 BOM 6128.

7. Heard learned advocate for the applicant and learned DGP

8. It is to be noted that applicant is accused No.4 and that he is seen along with other accused persons who stayed at Shende lodge Dongargadh. This place is hardly 50 k.m. from the spot of incident and that applicant is also seen in CCTV footage of the said lodge. On 23/10/2021 accused along with other co-accused persons stayed at Bombay – Kalkota Dhaba, Dist. Durg (CG) which is also at some distance from the spot of incident.

9. Further, it is to be noted that earlier bail application filed by this applicant vide Exh.123 came to be rejected on the basis that applicant is visible with other co-accused in a vehicle in CCTV footages at various places where the said vehicle i.e. Varna Car. It is also to be noted that the applicant was apprehended by Gujrat Police along with co-accused Vikram while carrying Rs.25/- lakhs in Varna Car. It is also to be noted that the said amount was seized at the spot of incident itself, similarly, Varna car was not registered in the name of accused persons.

10. Further, statement recorded under Sec. 18 of MCOCA Act also suggests that other co-accused have implicated the present applicant in the said crime. As such, it was noted that applicant is involved in the said crime and hence his

application was rejected. During course of argument, that advocate for applicant was unable to even submit reply to the aforesaid contention as was urged by learned APP.

11. Now, coming towards the order dated 20/01/2025 below Exh.175 and 18/01/2025 below Exh. 64 is concerned, it is to be noted that present applicant is not similarly situated with those applicants/accused persons. Therefore, considering the role of present applicant, it cannot be said that the present applicant has satisfied twin test for grant of bail. Resultantly, the following order.

ORDER.

Application (Exh. 235) is hereby rejected.

Gondia.
Dated: 18.07.2025.

(A. S. Pratinidhi)
District Judge-1 & ASJ,
Gondia.

Dictated and transcribed on dais computer	:	17/07/2025
Checked by the Judge	:	18/07/2025
Finally printed and signed by the Judge	:	18/07/2025