

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

SPECIAL (MCOCA) CASE No. 41/2022.
(CNR NO.MHGO010006472022)

State, PSO, Deori -Vs- Ajay @ Fauji & oth.

ORDER BELOW EXH. 14.
(Passed on this 27th day of March, 2023)

This is an application filed by applicant/accused No.10 **Pritam @ Paritam Udaibhan Soni** for grant of bail u/s 439 of Cr.P.C. The applicant/accused has been arrested on 26/11/2021 by Police Station, Deori in Crime No. 249/2021 for alleged offence punishable under Sec. 395, 341, 342, 365, 323, 120-B & 412 of IPC and Sec.3(1)(ii), 3(2), 3(4) & 3(5) of MCOCA Act. Charge-sheet is filed and is pending before this Court.

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 robbed 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 MCOC 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, 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 MCOC Act.

4] Learned Advocate for the applicant Shri Vinodkumar Bisnoyi submits that co-accused Baljitsingh Ratansingh got bail from the High Court in Criminal Application (BA) No. 1003/2022 by order dated 15/02/2023. He submits that the case of the applicant and the said co-accused Baljitsingh is in parity. Baljitsingh's car was involved in the crime. However, the applicant was only engaged as a driver and his case lies on a lower footing than that of BaljitSingh who has been granted bail by the Hon'ble High Court. The applicant was earlier working as a driver on an OLA CAB and was not aware of the purpose or the intention of the other co-accused. He further submits that though the robbery alleged is of Rs.3.76 crores, only 1.30 lakhs is shown as amount recovered from the applicant. The said amount is the amount of his personal savings and the amount paid by the co-accused towards the services of the applicant as driver. Had it been, he had intention to commit such a huge robbery, he would have got substantial amount in his share. He further submits that the applicant has no criminal antecedents except one case under Sec. 138 of Negotiable Instrument Act. He has prayed for grant of bail.

5] I.O. has filed reply at Exh. 22 and opposed the application on the ground that an amount of Rs.1,22,500/- has been recovered from the applicant. All the co-accused

including the applicant conspired to commit the robbery. Even though no other offences are registered against the applicant, he is member of a organized gang. The applicant may abscond as he resident of Hariyana. He may tamper with the evidence. He has prayed for rejection of the application.

6] Ld. DGP Shri. Chandwani has opposed the application on the ground that the offence is grievous. Out of total amount Rs.3.76 crores, only 1.01 crores is recovered so far. The applicant has not disclosed about remaining amount of Rs.1.55 crores. The applicant may abscond if released on bail. He may tamper with the evidence or threaten the witnesses. He has prayed for rejection of the application.

7] Perusal of the charge-sheet shows that the role attributed to the applicant is driver of one of the vehicle. No criminal antecedents of the applicant is reported by the I.O. The amount recovered is a meager amount of Rs.1,22,500/-. No vehicle of the applicant is involved. There is no material on record to show that the applicant was in connection with other co-accused and was a member of organized gang. The confessional statement of co-accused does not reveal that the applicant was a conspirator who conspired to commit the dacoity. The case of applicant lies in parity with the case of co-

accused Baljitsingh Ratansingh who has been granted bail by the Hon'ble High Court in Criminal Application (BA) No. 1003/2022 by order dated 15/02/2023. Hence, I pass the following order.

ORDER

- 1] Application [Exh.14] is allowed.
- 2] The applicant/accused **Pritam @ Paritam Udaibhan Soni** be released on bail on his executing PR bond of Rs.50,000/- and furnish one surety in the like amount on the following conditions;
 - [i] The applicant shall not threaten or influence the witnesses.
 - [ii] The applicant shall attend the concern Police Station on 1st Sunday of every month.
 - [iii] The Officer incharge of concerned Police Station shall apprise this Court of the attendance marked by the applicant and shall take immediate steps if the applicant remains absent even on one occasion.
 - [iv] The applicant shall at the time of execution of bond, furnish his address and telephone/mobile number(s) to the Investigating Officer and the Court, and shall not change the residence till the final disposal of the case.

[v] The applicant shall regularly attended the Court and cooperate the Court to complete the trial for the above offences. He shall not seek adjournments, except under extreme circumstances to the satisfaction of the Court.

[vi] The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.

[vii] The applicant shall maintain law and order.

[viii] The applicant shall surrender his passport, if any, before the Investigating Officer within a period of one week from today. If he does not possess any passport, he shall file affidavit to that effect.

[ix] Breach of any condition shall be a ground for cancellation of bail.

3] Application is disposed of.

Gondia.
Dated:27.04.2023.

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