

**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. 87.**

(Passed on this 02<sup>nd</sup> day of February, 2024)

This is an application filed by applicant/accused No. 12 **Yogesh Mahendra Singh** for grant of bail u/s 439 of Cr.P.C. The applicant/accused has been arrested on 17/12/2021 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 MCOC 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 assaulted 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 part amount of robbery was recovered from them. On 12.11.2021 two accused were arrested and part of the robbed amount 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 and under 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 Bhajipale for the applicant submits that the applicant has been falsely implicated. No T.I. Parade has been conducted by the I.O. to prove the presence of the applicant on the spot of incident. No statement under Sec. 18 of MCOC Act is recorded of the applicant. The applicant has only one offence registered against him under the Arms Act. There are no allegations of use of any fire arm in the present case. The CDR location of the applicant is not of Maharashtra. He is behind bar since two years. He has prayed for grant of bail.

5] I.O. has filed reply at Exh.89 and has opposed the application on the ground that the applicant is actively involved in the present crime. He was present on the spot at the time of commission of offence and had assaulted the informant. Prior to the commission of offence, the applicant/accused along with other co-accused stayed at Shende Lodge, Dongargadh which is at a distance of 50 KM from the spot of incident and he can be seen in the CCTV footage. On 23/10/2021 also the accused along with other co-accused stayed at Bombay – Kolkatta Dhaba, Dist. Durg (CG) which at some distance from the spot of incident and can be seen in the video footage. The applicant is also the owner of XUV 500 vehicle No. DL-12/CA-5703 which is registered in the name of applicant and was used in the commission of the said offence. The applicant has disposed of the said vehicle

and is not traceable. The CDR location of applicant is available near the spot of incident at Shende Lodge and Bombay – Kolkatta Dhaba. Since all the accused switched off the mobiles, their location could not be found in Maharashtra. The Chattisgadh border where the location is found is just at a distance of 12 KM's from the spot of incident. The applicant had on 08/11/2021 invested an amount of Rs.22,75,000/- by purchasing a immovable property by registered sale deed dated 08/11/2021 out of his share of Rs.25/- lakhs. Role is attributed to the applicant/accused in the statement of co-accused Manish Pawar and Vikram Thakur that the applicant was present at the time of commission of offence. He has prayed for rejection of the application.

6] Learned DGP Shri Chandwani has filed say and opposed the application on the ground that from the charge-sheet the role of the applicant/accused can be revealed. The accused purchased property from the robbery amount. The applicant had assaulted the informant along with co-accused. There is sufficient evidence against the accused in the form of statement under Sec. 18 of MCOA Act. CCTV footage etc. Another offence under the Arms Act is registered against the applicant with Buland Shahar Police Station, UP. 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 yet to be recovered. The applicant is also visible in the CCTV footage at various point along with co-accused in the said vehicle. Statement under Sec. 18 of MCOG Act of the co-accused also implicate the applicant. The sale deed executed by the applicant is just after the commission of the offence and the use of the amount of robbery to purchase the said property cannot be ruled out. The CDR location of the applicant is also in the vicinity of the spot of incident. 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. and Delhi. Hence, I pass following order.

**ORDER.**

- 1) Application (Exh. 87) is hereby rejected.
- 2) Application is disposed of.

Gondia.  
Dated:02.02.2024.

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