



**MCOG Case No. 39/2018**  
CNR NO.MHPU010095932018

Nitin Dashrath Dangat  
Vs.  
The State of Maharashtra

.... Applicant.  
.... Respondent.

**ORDER BELOW EXH.50**

This is the second application for regular bail filed by the accused applicant Nitin Dashrath Dangat under Section 439 of the Cr.P.C. read with Section 21(4) of the MCOG Act in connection with CR NO. 10/2018 registered by Deccan police station for the offences punishable under Section 302, 307, 120B, 201 of IPC, Section 3 r.w. 25 and 27 of Indian Arms Act, Section 37(1) r.w. 135 of Maharashtra Police Act and Section 3(1)(i), 3(2), 3(3), 3(4) of the MCOG Act.

2] Perused the application and say given by the prosecution at Exh.54.

3] Heard Adv. Shri.Y.D.Pawar for the applicant accused and D.G.P. Smt. Ujwala Pawar for the State. I have also heard learned Advocate Shri.N.D.Patil for the original complainant /informant.

4] Prosecution has come with the case that deceased Deven Shaha was a builder and developer. Informant Atit Deven Shaha is the son of deceased Deven Shaha. Deven Shaha wanted to purchase a land from village Darivali. Applicant accused No.6 Nitin Dangat was known to deceased Deven Shaha. He introduced accused No.7

Sameer Sadavarte to Deven Shaha. Sameer agreed to help deceased Deven in the consolidated transaction of 400 acres of land of village Darivali and memorandum of understanding (MOU) was executed on 18.04.2008. Till 2012 the transaction of sale of around 152 acres of land was done. On 25.08.2010 deceased Deven paid Rs.3.00 crores to applicant accused No.6 Nitin Dangat as a commission for land under MOU. However, since the transaction could not be completed, accused No.6 Nitin Dangat was required to refund Rs.3.00 crores and accused No.7 Sameer was required to refund Rs.2.25 crores paid as commission. Accused No.8 Rajesh Agrawal intervened and agreed to settle the dispute between Deven Shaha and applicant Nitin Dangat regarding refund of Rs.3.00 crores and Rs.1.05 crores was to be paid as commission for settling the dispute to accused No.8 Rajesh Agrawal. Thereafter, it was agreed by the applicant accused No.6 Nitin Dangat to complete the transaction of village Darivali instead of paying back Rs.3.00 crores. Accused No.8 Rajesh Agrawal and accused No.1 Ravindra Chorge were to be paid Rs.1.05 crores towards the said settlement. Accused No.1 Ravindra Chorge and accused No.8 Rajesh Agrawal with the intervention of gangster Chhota Rajan, started pressurizing Deven Shaha. Deven Shaha paid Rs.25,00,000/- and Nitin Dangat paid Rs.50,00,000/- and Rs.30,00,000/- remained as balance. Accused No.8 Rajesh Agrawal demanded amount of Rs.30,00,000/- to Deven Shaha. Accused applicant Nitin gave cheque of Rs.3.00 crores by way of security to deceased Deven and told accused No.1 Ravindra Chorge and accused No.8 Rajesh Agrawal that he paid Rs.3.00 crores to Deven Shaha. However, the cheque, was dishonoured. On knowledge of said payment, accused No.1 Ravindra and accused No.8 Rajesh started demanding their balance amount of

Rs.30,00,000/-. Deceased Deven demanded Rs.3.00 crores of applicant accused No.6 Nitin, Rs.2.5 crores of accused No. 7 Sameer Sadavarte for failure of land transaction but they refused. In order to avoid the payment of said amount of commission, it is alleged that they along with accused No.1 Ravindra and accused No.8 Rajesh Agrawal hatched a conspiracy to kill Deven Shaha. It is contended that the applicant accused No.6 Nitin paid Rs.2,00,000/- by RTGS to accused No.8 Rajesh, who then supplied the pistol to accused No.1 Ravindra. Then on 13.01.2018 at around 23.10 hours accused No.1 Ravindra and No.2 Rahul went to the house of deceased Deven armed with pistols and in presence of informant Atit, they both fired at Deven and Deven died.

5] On the basis of the report given by Atit Shaha, crime was registered. Investigation begun. It was found that the organized crime syndicate headed by accused No.5 Sunil @ Sonu Rathod was involved in commission of the crime and accused for pecuniary gain, committed the present crime and accordingly the proposal under Section 23(1)(a) for pre sanction was moved and sanction was granted on 23.03.2018 and provisions of MCOCA were invoked. After completing investigation and after obtaining sanction under Section 23(2), present charge-sheet came to be filed.

6] Advocate Pawar for the accused applicant argued that though this is the second bail application for regular bail, there are change in circumstances. As two accused i.e. accused No.3 Surendra Pal and No.4 Shankar Navale are subsequently released on bail by the Hon'ble High Court, therefore, on the ground of parity, the present applicant is entitled for the bail. He further argued that while rejecting earlier bail application all facts were not considered by the court and by taking me through the material on record, he

argued that the applicant had no role to play in the death of Deven Shaha. In fact, Deven Shaha had hired services of accused No.1 Ravindra Chorge and No.8 Rajesh Agrawal for settling the dispute with the present applicant accused No.6 Nitin Dangat, and applicant was being pressurized for refund of the commission amount and since Deven was supposed to pay commission amount to accused No.1 Ravindra but failed to pay the amount, he was murdered by accused No.1 Ravindra and the applicant had no role to play. He prayed for the bail.

7] Learned D.G.P. Smt. Pawar while opposing the present bail application argued that there were huge financial transactions between deceased and the applicant. The deceased had paid Rs.3.00 crores as advance amount to the applicant but the applicant could not perform his role and deceased was demanding back the said amount. The applicant had issued cheque, which was dishonoured. This shows that the applicant owe deceased the amount. Applicant told accused No.1 Ravindra about the payment of Rs.3.00 crores he alleged to have been made to the deceased and the deceased was pressurized by accused No.1 Ravindra Chorge. In order to avoid payment of Rs.3.00 crores, applicant hatched the conspiracy with accused No.1 Ravindra Chorge, who was also unhappy with the deceased Deven as his amount was also not paid by him. He paid Rs.2,00,000/- by RTGS to the accused No.8 Rajesh Agrawal, who then arranged the pistol and gave it to the accused No.1 Ravindra and then accused no.1 Ravindra with co-accused No.2 Rahul shot dead deceased Deven. Having regard to the nature of the crime, complexity of the eoffences and the role alleged to have been played by the applicant accused Nititn, she prayed for rejection of the bail application.

8] The original complainant has filed his say opposing the application at Exh.84 and the applicant has filed written notes of arguments at Exh.99

9] Both parties have relied on number of reported judgments viz -

- 1] Yash Pal Mital ..vs.. The State of Punjab - AIR 1977 SC 2433.
- 2] National Investigation Agency ..vs.. Zahoor Ahmad Shah Watali - In Cr. Appeal No. 578/2019
- 3] Ranjitsingh Brahmajeetsingh Sharma ..vs.. State of Maharashtra – 2005(2) Bom.C.R. (Cri.) 567.
- 4] Sri. Mohammad nalpad Haris ..vs.. State of Karnataka, Cri. Petition No. 4072 of 2018.
- 5] Laxman Irappa Hatti and others ..vs.. State of Maharashtra – 2004 (2) Bom. C.R. (Cri.)525.
- 6] Dinesh Bhondulal Baisware ..vs.. State of Maharashtra – ABC 2016 (II) 119 BOM.
- 7] State of Maharashtra ..vs.. Vishwanath maranna Shetty – 2012 DGLS (SC) 574.
- 8] Hrishikesh Prakash Mehatre ..vs.. State of Maharashtra – 2011(1) Bom. C.R. (Cri.) 582.
- 9] Kailas Yashwant Kolekar ..vs.. State of Maharashtra – Cri. B.A. No. 1440/2013.
- 10] Dhananjay @ Manoj Jayram Desai ..vs.. State of Maharashtra – Cri. Rvn. App. 516/2016.
- 11] Mahipal singh ..vs.. CBI and others – 2014 DGLS (SC) 294.
- 12] Bhupendra ..vs.. State of Maharashtra – Cr. B.A. 608/2016.

10] Keeping in mind the law laid down in the above mentioned rulings, I deal with the facts. I may note that the earlier bail application of applicant accused No.6 Nitin Dangat was rejected by this court on merit. No change in circumstances is brought before

me by the applicant except the bail granted to two co-accused.

11] There is no dispute about the financial transactions between deceased Deven and the applicant accused No.6 Nitin. Though it is tried to canvass that the applicant Nitin had no nexus with the other co-accused and the organized crime syndicate headed by co-accused Sunil Rathod and there was only financial transaction between deceased and the applicant, I may note that the prosecution has come with the specific case that the applicant had transferred Rs.2,00,000/- by RTGS in favour of the co-accused No.8 Rajesh Agrawal, who then arranged the pistol and gave it to accused No.1 Ravindra Chorge and then accused No.1 Ravindra with the co-accused No.2 Rahul Shivtare shot Deven dead. In the written arguments filed by the applicant, said fact of transfer of Rs.2,00,000/- by RTGS by the applicant to deceased is not specifically disputed by the applicant. The clarification is tried to be given by the applicant that said transfer was as per the directions of deceased Deven. At this stage from the material on record the fact remained that accused had paid Rs.2,00,000/- to co-accused No.8 Rajesh, who then arranged pistol for commission of the crime. Therefore, in view of the fact that earlier bail application is rejected by this court on merit, I find from the record that no change in circumstances is brought on record by the applicant.

12] So far as the ground of parity with the release of co-accused No.3 Surendra Pal and No. 4 Shankar Navale on bail by the Hon'ble High Court, the parity does not exist as the role played by those two accused was totally different than the role played by the present applicant and so the release of those two accused i.e. accused No.3 and 4, cannot be said to be the change in circumstances enabling this applicant for bail.

13] The role of accused No.4 Shankar Navale was different and the Hon'ble High Court found that there was no material to show his involvement in the crime. So far as the co-accused Surendra Pal is concerned, the only material against him was seizure of weapon from his office at the instance of co-accused No.1 Ravindra Chorge but it was found that he was not involved in the conspiracy hatched or in commission of the crime. But so far as present applicant is concerned, it is clear that he had nexus with the co-accused who committed crime, since beginning and he had also transferred funds for arranging weapons. Therefore, having regard to the nature of the crime and the role played by the applicant, I find that no change in circumstances is brought on record by him for grant of bail.

14] The Hon'ble Bombay High Court in the case of ***Govind Sakharam Ubhe vs. The State of Maharashtra 2009 ALL MR (Cri) 1903*** has held that if within a period of preceding ten years, one charge-sheet has been filed in respect of organized crime committed by the members of a particular crime syndicate, the said charge-sheet can be taken against a member of the said crime syndicate for the purpose of application of the MCOCA against him even if he is involved in one case.

15] In view of the above citation the earlier crime committed by other members of crime syndicate can be considered for invocation of MCOCA against other members of organized crime syndicate. Thus, in the given facts and circumstances prime facie there are reasons to believe that the accused applicant has committed crime in question, conspired with co-accused for killing Deven Shaha and accordingly deceased was killed, so he has nexus with the organized crime syndicate. Therefore, the applicant

accused No.6 Nitin Dangat is not entitled for bail. Hence, I pass the following order :-

**ORDER**

Bail application Exh.50 of applicant accused No.6 Nitin Dashrath Dangat in connection with CR No. 10/2018 registered by Deccan police station, is rejected.

Pune.

Date :- 18<sup>th</sup> February, 2020.

(Aniruddha Y. Thatte),  
Special Judge (under MCOC Act), Pune.

**CERTIFICATE**

I affirm that the contents of the PDF file Judgment are same word for word as per original Judgment.

Name of Steno	Mrs. S.M. Khisti Stenographer Grade I
Name of Court	Shri. A. Y. Thatte, District Judge 12 and ASJ, Pune.
Date of Order	18.02.2020
Order signed by PO on	20.02.2020
Order uploaded on	20.02.2020