

MHPU010137872025



**Order below Exh. 33 in Spl. MCOCA Case No.1129/2025**

The accused **No.1-Ejaj Yusuf Inamdar**, who was arrested on 10/04/2025, **No.2-Jaid Salim Bagwan**, who was arrested on 03/04/2025, **No.3-Tanveer Shakil Shaikh**, who was arrested on 07/04/2025 and **No.4-Faiyaj Gafar Bagwan**, who was arrested on 10/04/2025, in connection with C.R.No. 100/2025 registered in Kalepadal Police Station under Sec. 308(2), 329(3), 351(2), 352, 389(1), 189(2), 391(2), 61(2) 111 of the Bharatiya Nyaya Sanhita, 2023 (BNS) and under Sec.3(1)(ii), 3(2), 3(4) of MCOCA. They have filed this application for bail under Sec.483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). They contend that this is their first bail application and no other application is pending in any other Court.

2. The informant Rupali Pardeshi lodged complaint against the accused namely Tipu Pathan and Ejaz Pathan (accused No.5 & 6) and 8 unknown persons that on 02/07/2024, they came on the open plot of 1290 Sq.Ft. in Survey No.75/6 at Hadapsar owned by her and claimed their ownership over that plot and asked her to remove the tin shed otherwise, they know how to get vacated that land. They visited that land frequently and they caused damage to the tin shed and scratched her name plate and

demanded Rs.20,00,000/- from her, if she wants to retain possession of that plot and they tried to take forcible possession of of that plot.

3. Mr. A.H. Shaikh, the learned advocate for the accused submits that the complaint is false and is filed with ulterior motive. No incident as alleged in the FIR has been taken place and the FIR has been lodged after thought belatedly after 9 months. Basically, there is civil dispute regarding the plot in question and the informant has tried to give colour to it of criminal offence. No criminal offence, much less any offence under MCOCA is *prima facie* disclosed from the FIR and the provisions of MCOCA have been invoked without any basis. These accused were no way concerned to the dispute between the informant and the accused Tipu Pathan and Ejaj Pathan. They were initially not named in the FIR. There is no role attributed to them in the alleged FIR. There are no criminal antecedents against these accused.

4. The copy of the agreement of sale dated 16/07/2024 is produced on record which shows that it was executed between the accused Ejaz Pathan and Vinod Lonkar, by which, the accused Ejaj Pathan has agreed to purchase the land in question for Rs.18,50,000/-. There is an agreement of sale between Sagar Pardeshi and Shabbir Sayyad executed on 22/06/2021 thereby, the informant has agreed to purchase that land for Rs.22,85,000/-. As

stated in the FIR, Vinod Lonkar had objected that transaction claiming his ownership over that land. Thus, there is title issue between Vonod Lonkar and Shabbir Sayyad. Thus, the dispute was of civil nature and the police ought not to have taken cognizance of such complaint and the parties ought to have been relegated to the civil remedy. Knowing that the informant has no hope in invoking civil remedy, she has bent upon to prosecute the accused in criminal case by making false allegations regarding the incident which was not actually happened.

5. The learned advocate further submits that now the investigation is completed and charge-sheet if filed. Therefore, further detention of the accused is not necessary. The accused are the local residents and they are not at flight risk. They would abide by all the conditions imposed by this Court. The accused No.7 Nadim Khan, the accused No.9-Sajid Nadaf and the accused No.10-Irfan Shaikh have been released on regular bail and wanted accused Ajinkya Undre has been released on anticipatory bail by this Court and the ground of parity is accrued to these accused as the role of these accused is similar to the role of those accused released on bail. He therefore, submits that these accused be released on bail.

6. The IO has opposed this application by say (Exh.33-A) and based on it, Shri. Pathare, the learned SPP submits that

although, the names of these accused were not in the FIR, their names have been disclosed during the investigation and thus, they have been arrested. These accused are the members of the organized crime syndicate of the accused Tipu Pathan and they were present at the spot at the time of alleged incident and they were demanding the extortion money. There is evidence against these accused. Further investigation is still going on and therefore, these accused may not be released on bail. The accused would indulge in pressurizing the informant and they would interfere in the ongoing investigation. He therefore, submits that this application be rejected.

7. Having considered the rival submissions and on going through the relevant documents, the dispute *prima facie* appears to be of civil nature. There is doubt whether the basic requirement to be the member of organized crime syndicate and indulging in continuing unlawful activities would be *prima facie* attracted against these accused. Therefore, the vice of bar under Sec.21 in MCOCA is not to be *prima facie* attracted against them. The accused were not initially named in the FIR and there is no role attributed to them in the alleged incident. It was general allegation of threats and demand of extortion amount against them. Now, the investigation is completed and the charge-sheet is filed. The apprehension posed by the prosecution can be taken care of by

imposing suitable conditions. Thus, I hold that these accused are entitled to be released on bail. Hence, the order.

**ORDER**

1. The application is allowed.
2. The accused No.1-**Ejaj Yusuf Inamdar**, No.2-**Jaid Salim Bagwan**, No.3-**Tanveer Shakil Shaikh**, and No.4-**Faiyaj Gafar Bagwan**, who were arrested in connection with C.R. No. 100/2025 registered in Kalepadal Police Station under Section 308(2), 329(3), 351(2), 352, 389(1), 189(2), 391(2), 61(2) 111 of the Bharatiya Nyaya Sanhita, 2023 (BNS) and under Sec.3(1)(ii), 3(2), 3(4) of MCOCA, be released on bail on their furnishing P.R. bond in the sum of Rs.50,000/- with one or two sureties of the like amount each on following conditions-
  - a) The accused shall not pressurize the prosecution witnesses and shall not indulge in any criminal activity.
  - b) The accused shall submit their address proof and phone details as well as phone details of two close relatives, which shall be updated whenever there is any change therein.
3. Violation of any of the condition may entail a ground for cancellation of bail.
3. A copy of this order be sent to the Jail Authority by email.

Pune  
Date: 17/11/2025

**(S.R. Salunkhe)**  
I/c Spl. Judge, MCOCA, Pune.  
(For the Court presided over by  
Shri. V.R. Kachare.)