

MHRG170005832023



Spl. Case (MCOCA) No.58/2023

State vs. Dhanesh Thorat & ors.

ORDER BELOW EXH. 83 IN SPL. CASE (MCOCA) No.58/2023
(Dated : 23/07/2025)

The applicant Dhanesh Maruti Thorat @ Daji has filed present application for regular bail U/Sec.483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In short the prosecution case is that, on 09/11/2021 at about 01.00 a.m. co-accused Nilesh Dattatray Deshmukh and Uttam Vitthal Deshmukh went to informant's stone quarry. They threatened the informant and demanded a ransom of 10 Lakhs rupees. They also threatened the informant by saying that he should allow present applicant to excavate stones from half portion of his quarry.

3. Further it is the case of prosecution that on 14/12/2021 at about 05.00 to 05.30 p.m. co-accused Jitendra Deshmukh, Vikrant Deshmukh, Parshuram Mokal, Vijay Kale and Gopal Ingale went to informant's stone quarry in Tata Sumo vehicle. They put the board of police on dash board of the vehicle. When informant went towards them to have a talk, they threatened him at the point of pistol and demanded ransom of Rs.10 Crore. They abducted the informant and confined him in one house situated on Ambadi Shirsat road. After receiving ransom of Rs.50 Lakhs they released informant on 15/12/2021.

4. Further it is the case of prosecution that they again demanded ransom of Rs.30 Lakhs. Present applicant asked the informant to pay the ransom every month and since then co-accused Nilesh Deshmukh has been accepting ransom of Rs.35,000/- per month. Being aggrieved the informant Manoj Mahadev Angre on 04.10.2022 set the criminal law into motion by lodging detailed report against applicant and co-accused with Nhavasheva police Station. On the basis of report so lodged by informant an offence came to be registered against applicant and co-accused vide C.R. No.159/2022 for the offences punishable sections 364(A), 387, 120(b), 342, 323, 109, 506 r.w. 34 IPC & u/s.3 & 25 of the Arms Act.

5. During the course of investigation it was revealed that present applicant and co-accused formed a Syndicate for committing organized crime and gained pecuniary benefit from the commission of said crime. It was also revealed during the course of investigation that the present applicant and co-accused sold stones excavated from the quarry of informant and deposited the sale proceeds to the tune of Rs.2,14,06,918/- in bank account No.920020072218878 standing in the name of present applicant and in the bank account bearing No. 920020072218892 standing in the name of co-accused Jagruti Thorat. Therefore offences punishable under sections 3(1)(ii), 3(2) & 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (hereinafter referred to as MCOCA) came to be attracted against applicant and co-accused.

6. Heard Ld. Advocate Shri. M. M. Gunjal for the applicant

and Ld. Spl.PP Shri. Mahesh Mule for the opponent state. Perused application, say filed by opponent state vide exh.86 and material placed on record.

7. Shri. Gunjal submitted that the applicant has no concern with the crime in question. Nowhere in the charge-sheet accusations have been levelled against applicant to show that he was involved in the conspiracy. Shri. Gunjal further submitted that there is inordinate delay in lodging an FIR. The informant has not given any plausible explanation for the said delay. Shri. Gunjal further submitted that the present applicant never demanded ransom from informant. The informant was using the land of co-accused Vikrant Deshmukh, Jitendra Deshmukh, Nilesh Deshmukh and Uttam Deshmukh to access his land, therefore he was crediting an amount to the tune of Rs.35,000/- per month in their bank account towards rent. Shri. Gunjal further submitted that offences punishable under Arms Act and MCOCA are not attracted against the applicant. No incriminating articles have been recovered at the instance of applicant. He came to be arrested in connection with in the crime in question on the basis of statement made by co-accused. The applicant runs a stone crusher business in the name and style of "Jagruti Enterprises" as well as "Gururaj Infra" in village Gavhan. He pays taxes in Lakhs. Informant has owned "Shri construction". Being a business competitor, he lodged false complaint against present applicant. Shri. Gunjal further submitted that the applicant has two minor school going children. Their mother is also in jail. There is no one to look after his children. Shri. Gunjal further submitted that the investigation is complete and

charge-sheet has been filed in Special Court. Since 04/10/2022 the applicant is languishing in the jail. In view of aforesaid circumstances further detention of applicant in jail is not required. He is ready to abide by the terms and conditions which may be imposed by the Court. Hence, Shri. Gunjal prayed that the applicant be enlarged on bail.

8. Per contra, Shri. Mule, Ld. Spl. PP vehemently argued that the offence is serious. Applicant is one of the prime accused. Shri. Mule further argued that present applicant and co-accused captured the quarry of informant, they were excavating stones from the quarry and selling it to "Sai Construction". The amount of excavated stones was being deposited in the bank accounts linked to "Gururaj Infra" and "Jagruti Enterprises" through cheque. In case if any delay was caused in depositing the said amount co-accused Jagruti used to make phone calls to informant and demand the outstanding amount. The present applicant is a proprietor of "Gururaj Infra". Shri. Mule further argued that, from CDR/SDR of mobile phones of applicant and co-accused, it was revealed that at the time of commission of crime in question, the present applicant and co-accused were in contact with each other. Shri. Mule further argued that the statements of witnesses specifically show that the applicant had taken active participation in the crime in question alongwith other co-accused. It also reveals from confessional statements of co-accused Jitendra Deshmukh, Vijay Kale and Parshuram Mokal that they were staying in the house of present applicant and co-accused Jagruti Thorat at Manchar, Tal. Ambegaon,

Dist. Pune. Thus, it clearly seems that the present applicant is one of the members of organized crime syndicate. He has antecedents. Considering the aforesaid circumstances, if he is released on bail, definitely he will indulge again in similar kind of activities. The applicant and material witnesses are resident of same locality. In such circumstances there is strong possibility that applicant may bring pressure on material witnesses. The possibility of applicant jumping the bail also cannot be ruled out. Hence, Shri. Mule prayed that the application be rejected.

9. I have carefully heard submissions advanced by both the Ld. Advocates. I have also gone through the material placed on record. On perusal of papers it appears that, applicant is one of the prime accused. Further it seems that applicant alongwith co-accused forcibly excavated stones from the quarry of informant by extending threats of dire consequences to him and sold excavated stones to “Sai Constructions”. It also seems that the bill amount of sold stones to the tune of Rs. 1,08,32,797/- has been deposited in the bank account of “Gururaj Infra Company” owned by present applicant and an amount to the tune of Rs. 1,05,74,121/-in the account of “Jagruti Enterprises” standing in the name of co-accused Jagruti Thorat. CDR and SDR reports of mobile phones of applicant and co-accused show that while committing the crime in question they were in contact with each other. The material available on record prima-facie shows that the applicant was the member of organized crime syndicate and several offences have been registered against him from which it can be easily inferred that the applicant is continuously involved in

unlawful activities as a member of organized crime syndicate by using violence, threat with the object of gaining pecuniary benefits or gaining undue economic or other advantage for himself and any other person or promoting insurgency. Taking into account the aforesaid aspects, in my view, if the applicant is enlarged on bail, definitely he will leave no stone unturned to win over material witnesses. The possibility of his jumping the bail also cannot be ruled out. Likewise, there is strong possibility of applicant committing similar offence while on bail. In view of above, I am not inclined to enlarge the applicant on bail. Resultantly, I pass the following order.

-ORDER-

The application stands rejected.

Date :- 23/07/2025

Sd/-
(S. R. Ugale)
Additional Sessions Judge,
Panvel.