

MHRG170005832023



Spl. Case (MCOCA) No.58/2023

State vs. Dhanesh Thorat & ors.

**ORDER BELOW EXH. 110 IN SPL. CASE (MCOCA) No.58/2023**  
**(Dated : 23/07/2025)**

The applicant Gopal Ingale 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 Rs.10 Lakhs. They also threatened the informant by saying that he should allow co-accused Dhanesh Thorat 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 p.m. to 05.30 p.m. present applicant and co-accused Jitendra Deshmukh, Vikrant Deshmukh, Parshuram Mokal, Vijay Kale 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. Co-accused Dhanesh Thorat 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 set the criminal law into motion by lodging detailed report 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. 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 the 'MCOCA') came to be attracted against applicant and co-accused.

6. Heard Ld. Advocate Shri. S. C. Mishra for the applicant and Ld. Spl.PP Shri. Mahesh Mule for the opponent state. Perused application, say filed by opponent state vide exh.112 and material placed on record.

7. Shri. Mishra submitted that the applicant has no concern with the crime in question. Shri. Mishra further submitted that there

is inordinate delay of 10 months in lodging an FIR. The informant has not given any plausible explanation for the said delay. Shri. Mishra further submitted that main ingredient which is required to invoke MCOCA is that there should be some economic benefit, however in the present case there is no material whatsoever which indicates that present applicant was benefited in any manner. No overt act has been attributed to applicant in the FIR. There is nothing in the FIR to show that the present applicant either threatened, assaulted or demanded any money from the informant. Shri. Mishra further submitted that the applicant had no knowledge about the conspiracy. At the time of incident in question applicant was 150k.m. away from the scene of crime. Though it has been alleged that the informant identified applicant in test identification parade but if the memorandum of test identification parade is seen, it can be easily inferred that the test identification parade was conducted without following necessary guidelines. Moreover, there is delay in conducting test identification parade, so the possibility can not be ruled out that prior to test identification parade informant was shown the face of applicant by police. Shri. Mishra further submitted that the applicant implicated in the present case on the basis of confessional statements of co-accused recorded in another case. Co-accused Uttam Deshmukh against whom graver allegations have been leveled has been released on bail therefore, on the ground of parity, the applicant is entitled to get the bail. Shri. Mishra further submitted that the investigation is complete and charge-sheet has been filed. The applicant is the only the bred-earner of the family. Since 07/02/2023 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. Mishra prayed that the applicant be enlarged on bail.

8. Per contra, Shri. Mule, the Ld. Spl. PP vehemently argued that the offence is serious. Applicant is one of the prime accused. He actively participated in the offence of kidnapping the informant. He himself arranged Sumo vehicle for kidnapping and accepted the ransom amount. 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, 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 co-accused Dhanesh Thorat & Jagruti Thorat at Manchar, Tal. Ambegaon, Dist. Pune. Shri. Mule further argued that the informant has identified the applicant in test identification parade. So far as the ground of parity is concerned, applicant is not entitled for any parity because co-accused Uttam Deshmukh who is released on bail by the Hon'ble Bombay High Court, was not involved in kidnapping. His role is lesser. The papers placed on record clearly shows 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. There is strong possibility that the 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. He actively participated in kidnapping the informant. It also seems from papers that the present applicant received ransom amount. CDR's and SDR's of mobile phones of applicant and co-accused show that while committing crime in question they were in contact with each other. The informant has identified the applicant in test identification parade. 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 his 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.