

MHRG170005832023



IN THE COURT OF SPECIAL MCOC ACT JUDGE & ADDITIONAL  
SESSIONS JUDGE, PANVEL RAIGAD  
ORDER BELOW EXHIBIT 47 IN SPECIAL MCOC ACT CASE NO.58/2023  
NHAVA SHEVA POLICE STATION C.R.NO.159/2022  
(Dated 27/06/2024)

1] The applicant/accused **Maruti Balu Thorat** is seeking bail as per section 439 of Cr.P.C.

2] In short prosecution's case is that :-

Informant Manoj Aangre on 04/10/2022 lodged his report at Nhava Sheva police station. According to him he is doing business in the name and style as '*Shree Constructions*'. Since the year 2014 he is doing business of stone crusher at Gavhan gaon, Tal.Panvel. On 08/11/2021 at about 03.00 p.m. accused Uttam Deshmukh abused and gave threats to Kailas Mutke, supervisor of the informant. On 09/11/2021 in the night at about 01.00 a.m. accused Nilesh and Uttam came on the stone mine of the informant and by giving threats stopped the mine work. A report was lodged at Nhava Sheva police station.

3] It is further submitted that, on 14/12/2021 at about 05.00 to 05.30 p.m. one Sumo vehicle having police board came at the mine at Gavhan gaon. All the persons in the vehicle were having mask. The informant was kidnapped. It is alleged that, informant was assaulted, abused on the point of a gun, accused persons had

demanded ransom of Rs.10 Croers. It is alleged that, accused Vicky Deshmukh thereafter demanded Rs.5 Croers. Informant somehow collected Rs.50,00,000/- and promised to pay. Accused demanded at least Rs.2 Croers.

4] According to the informant he managed Rs.50,00,000/- through his brother. It is alleged that, accused persons gave threats of killing of informant and received Rs.80,00,000/- and monthly amount of Rs.35,000/- through bank transaction.

5] On this report aforesaid crime bearing C.R.No.159/2022 was registered in Nhava Sheva Police Station, for the offence p/u/sec.364A, 323, 342, 506(2), 109 r.w.34 of IPC and u/sec.3, 25 of Arms Act.

6] Applicant/accused No.4 Maruti Balu Thorat was arrested on 10/10/2022 and since 15/10/2022 he is in judicial custody.

7] Applicant/accused submits that, he is permanent resident of Devchole Tal.Bhiwandi, Dist.Thane. The vicinity of his village is very financial poor and the agriculture income is not sufficient to the people therein. Hence, applicant/accused started a khanaval/ house hotel in which his family members prepared food and served to the customers. It is submitted that at the relevant time co-accused came in the khanaval they were given food and on request they were permitted to stay for one night. On the second

day the present applicant/accused who has a Maruti Swift vehicle, took the co-accused persons as requested by them, and took fare from them. Hence, on this only on suspicion applicant/accused No.4 is arrested. He is ready to abide all conditions and pray for bail.

8] prosecution and investigation officer submits that, charge-sheet is filed and there is sufficient evidence in the charge-sheet against the present applicant/accused No.4. It is submitted that, accused No.4 gave shelter to the co-accused, arranged food and stay of co-accused. Not only this present accused No.4 had driven his Swift car bearing No.MH-02/AP-7121 alongwith the co-accused at Ambadi phata, where the extortion money was received. It is submitted that, in the TIP informant has identified present accused. Cell phone of the present accused was checked and verified. The location of the cell phone is within the vicinity where the informant was confined.

9] Heard Ld.Adv.Shri S.J.Patil. for the applicant/accused. Heard Spl.Prosecutor Shri Mulye. Following point is formulated for determination, the points alongwith findings and the reasons thereto is as under.

SR.NO.	POINTS	FINDINGS
1.	Does applicant/accused Maruti Balu Thorat, has made out ... justifiable grounds for grant of bail as per section 439 of Cr.PC. ?	In the Negative

2. What order ?

... As per final order

### **REASONS**

#### **As to point No.1 :-**

10] Ld.Adv.for accused No.4 submitted that, investigation is completed. There is no role attributed to accused No.4 as member of syndicate. Further the contents of paragraph (4) of the bail application are submitted before me.

11] Special Prosecutor Shri Mulye submitted that, prosecution has to show the nexus of the present applicant/accused. For that he pointed out the fact and the evidence of use of vehicle by the accused No.4 in the crime. Special Prosecutor also pointed out material in the charge-sheet.

12] It be noted that, aiding, abetting and harboring an offender, is made punishable by the Maharashtra Control of Organized Crime Act, 1999. If the material in the charge-sheet with regard to accused No.4 Maruti Balu Thorat is considered then, there is evidence of prima facie nature about use of Maruti Swift vehicle owned by Maruti Balu Thorat. The statements recorded by investigation officer including statement of co-accused, reflect the alleged involvement of Maruti Balu Thorat in the crime. Not only this, the CDR and SDR placed in the charge-sheet, prima facie show location of the cell phone of Maruti Balu Thorat nearby the place where the informant was confined.

13] Thus, considering the material in the charge-sheet, I find that, accused Maruti Balu Thorat prima facie aided harbored the co-accused who are members of the crime syndicate with the leader of the crime syndicate and, hence, is not entitled to be enlarged on bail. Hence, I answer point No.1 in negative and pass following order.

**ORDER**

- 1] Exh.47 is hereby rejected.
- 2] Inform concerned police station.

Panvel  
Date :-27/06/2024.

( Jairaj D.Wadne )  
Spl.MCOC Act Judge  
Panvel-Raigad

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the stenographer : S.J.Sheth  
Name of the Court : Additional Sessions Judge,  
Panvel Raigad  
Date of dictation (direct) : 27/06/2024  
Order signed by the P.O.on : 27/06/2024  
Order uploaded on : 29/06/2024