



CNR No.MH01-002547-2025

Order below Exh.13 in Spl. Case MCOC No. 240/2025
State of Maharashtra Vs. Royal @ Roy Edward Sikwera and 4

This application for bail by applicant/accused Anuj Gangaram Chaugule against whom offence vide Cr.No.16/2025, registered at Manickpur police station under section 309(6), 351(2), 317(2), 61(2), 3(5), 111(2kh), 111(3), (4), 238, 13 of Bharatiya Nyaya Sanhita, section 3, 25 of Arms Act, section 37(1) (3), 135 of Maharashtra Police Act, and section 3(1)(ii),3(2),3(4) of Maharashtra Control of Organised Crime Act.

2] Perused application, charge sheet, documents on record and say file by investigating officer. Heard learned advocate for applicant/accused, learned SPP and investigation officer.

3] Learned advocate for applicant submitted that, the applicant is innocent and has not committed any offence and he has been falsely implicated in the offence under the MCOC Act. There is no previous offence against the applicant of which cognizance was taken by the Court. The cognizance was not taken by the Court for the offence registered against the applicant at Wai police station. He applicant is the friend of co-accused

Lalsingh. He is arrested on suspicion and he is not identified in test identification parade. Even from the CC TV footage it is not clear that, it is the applicant who had assaulted the victim by means of pistol. Nothing was recovered from the applicant. The applicant has not given any memorandum and the alleged recovery shown at the instance of applicant is false one as the key of the house of applicable is above the safety latch which was accessible to any person. There is no confession of any of the accused under section 18 of MCOC Act. There are less than two previous offences pending within last ten years against the applicant, therefore, the requirement of law under the MCOC Act is not fulfilled, hence said Act cannot be applied against the applicant. The present applicant is not the beneficiary of the proceeds of the crime. The investigation in this matter is completed and charge sheet is filed. The applicant is arrested on 25.01.2025 and since then he is in custody. He is ready and willing to furnish surety as per the directions of the Court and ready to abide with the conditions as may be imposed upon him. Hence he prayed for grant of bail to applicant.

4] Per contra, learned SPP for the state submitted that, the offence is serious in nature. The applicant alongwith co-accused hatched conspiracy for commission of offence. The applicant is actually went in the shop of complainant in the commission of offence. He has assaulted the victim by means of revolver. Said revolver alongwith one live cartridge is seized from

the applicant under his memorandum panchanama. The applicant has purchased a car in the name of his wife from the proceeds of crime. Previously also the offences were registered against the applicant and Court has taken cognizance in Cr.No.195/2015 registered with Lonand police station, Dist. Satara and in Cr.No.17/2016 registered with Koynanagar police station, Dist Satara. The applicant was in regular contact with gang leader co-accused Royal Sikwera and goldsmith accused Amar and there were mobile calls in between them before incident and even on the day of incident. If the applicant is release on bail, there is possibility of threatening of the prosecution witnesses and tamper with the prosecution evidence. The applicant is also likely to commit similar type of offence. Hence he prayed for rejection of application.

5] On perusal of the say and charge sheet alongwith documents on record, apart from the present case, three more offences are registered against the applicant, out of which in two offences cognizance has been taken by the Court. Considering said fact and material on record there is prima facie case against the accused for application of provisions of MCOC Act. Further on going through the record it is clear from the CDR that, there is proof of calls between the applicant and co-accused and that from the CC TV footage the presence of applicant is seen on the spot of incident. For the above reasons, there is clear evidence on record showing involvement of applicant in the present crime.

Considering the nature of offence and the gravity of offence, in my opinion this is not a fit case to grant bail to the applicant/accused. The application is therefore, deserves to be rejected. Hence the following order.

ORDER

1] Application, Exh.13 for bail is hereby rejected.

Thane.

Date : 20.11.2025

Sd/-xxx

(Suryakant S. Shinde)

Addl. Sessions Judge, Thane.