

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL BAIL APPLICATION NO.639 OF 2017**

**Mrs. Rani Anil Kalel**

**..Applicant**

**Versus**

**The State of Maharashtra**

**..Respondent**

**Mr. Hassnain K. Sayyed for the Applicant.**

**Mr. S. R. Agarkar, APP for the Respondent - State.**

**CORAM : T. V. NALAWADE, J.**

**DATE : 22<sup>nd</sup> AUGUST 2017**

**PC.**

1           The application is filed for bail in C. R. No.116 of 2015 registered with Sanjaynagar Police Station, Sangli for offence punishable under Section 302, 364, 364-A, 212, 118, 120(B) of Indian Penal Code, Section 3 and 25 of Arms Act and under the provisions of Section 3(1)(i) (ii), 3(2), 3(3) and 3(4) of the Maharashtra Control of Organized Crimes Act, 1999 (hereinafter referred as "MCOC Act").

2           Case is already filed for aforesaid offences. Papers of investigations were made available for perusal of this Court.

3           Main accused from the present matter is Mohammad Nadaf.

Deceased Manoj Mane @ Gorakhanath Mane was a member of a gang of Mohammad Nadaf for sometime. Mohammad Nadaf was in jail and it is alleged that during that time, deceased developed illicit relations with mistress of Mohammad Nadaf, present applicant.

4           When Mohammad Nadaf came out of jail, he wanted to make construction of his house and he asked the deceased to give Rs.2,00,000/-. Deceased avoided to give the amount, so the dispute started between Mohammad Nadaf and deceased Manoj. The members of the gang of Mohammad Nadaf and the family members of deceased had knowledge about the dispute. In the past, Manoj had given report against the relatives of Mohammad Nadaf and due to that wife of Mohammad Nadaf was called to police station and due to that Mohammad Nadaf had given threat to finish deceased.

5           The incident took place on the night between 09.11.2015 and 10.11.2015. On that night, the brother of the deceased namely Vishal Mane and others noticed that slippers of the Manoj were lying in front of Kamal Joshi School situated in the vicinity of their residential place of Manoj.

6           It was confirmed that they were slippers of Manoj. They tried

to trace out Manoj. They failed to trace out Manoj. Report came to be given in police station on 10.11.2015. Offence of kidnapping came to be registered and it was against Mohammad Nadaf.

7           The dead body of Manoj was then recovered. The injuries on the dead body confirmed it was a brutal murder. During the course of investigation, police recorded the statement of witnesses including one Sohail Riyaz Shaikh who was present when Mohammad Nadaf had planned murder Manoj and the witness had over heard that conversation. His statement shows that on that day i.e. on 09.10.2015 present Applicant had brought fruit and other articles to that place. A plan was hatched there and then on that night by forcibly taking away Manoj, he was murdered by Mohammad Nadaf and members of his gang. There are statements of some associates of Mohammad Nadaf recorded under the provisions of special enactment. Articles like mobiles and weapons are recovered and there is material like CDR record against all the accused persons.

8           The gang of Mohammad Nadaf had created terror and many offences were recorded against this gang particularly against Mohammad Nadaf. Due to the circumstances, after arrest of Mohammad Nadaf and after collection of material against him, police gave proposal for invoking

the provisions of MCOC Act against Mohammad Nadaf. As many as 23 crimes were registered against Mohammad Nadaf including three murder cases, extortion and house breaking etc. The purpose of the gang was to make monetary benefit. Though present one is the first crime registered against Applicant, she was working as close associate of Mohammad Nadaf. The material collected against her shows that she was supplying information to Mohammad Nadaf about the movement of deceased. Thus, she was assisting Mohammad Nadaf in working of this gang. In view of the circumstances and the material collected, the provisions of MCOC Act are used against present Applicant also.

9            Learned counsel for the Applicant submitted that the material collected against present Applicant in the offence of murder of Manoj is not sufficient even to make out prima-facie case against her. There will be charge for offence of conspiracy to murder Manoj and there is material of aforesaid nature. This Court has refused bail to the wife of Mohammad Nadaf as the material collected against her is similar in nature though she had procured 6 Sim cards which were used by Mohammad Nadaf at the relevant time. The case of present Applicant cannot be treated on different footing. There is possibility that she will be leading the gang of remaining persons and in such cases there is always of possibility of tampering with the prosecution witnesses. At present, the

*(906) -BA-639-17.doc.*

main persons of gang are behind the bars and releasing present Applicant on bail will create risk to the life of the witnesses. Due to these circumstances, this Court holds that bail cannot be granted to the present Applicant. The application stands rejected.

**[T. V. NALAWADE, J]**