

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE SIDE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 703 OF 2016

Bipin Waman Patil

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Niteen Pradhan i/b Ms. Shubhada Khot Advocate for Applicant.

Ms. P. P. Shinde APP for the State.

Mr. Sachin M. Kadam, PI D.C.B. C.I.D., Anti Extortion Cell, Mumbai.

**CORAM : SMT. SADHANA S. JADHAV, J.**

**DATED : 15<sup>th</sup> FEBRUARY, 2017.**

**PC :**

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 06/04/2015 initially in crime no. 145 of 2015 registered at Bhandup Police Station for offence punishable under sections 302 r/w 115, 120 (B) of the Indian Penal Code, Section 3, 25 of Arms Act and Section 37 (1) of Bombay Police Act. After completion of investigation, it had transpired that applicant was a member of organisation of 'fugitive' Ravi Pujari and hence, Commissioner of Police, Mumbai had accorded sanction to prosecute applicant along with others under section 3 (1)

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(ii), 3 (2), 3 (4) of Maharashtra Control of Organized Crime Act, 1999 (Hereinafter referred as 'MCOC Act').

2) Taking into consideration the gravity of the offence, investigation was transferred to D.C.B. C.I.D. and was renumbered as crime no. 37 of 2015. In the course of investigation on 18/04/2015, applicant had surrendered in all two unlicensed revolvers before the police and one revolver which was in the name of a close relative.

3) It is the case of the prosecution that on 12/03/2014, one Laxman Borkar who was officiating as Police Head Constable at Colaba Police Lines lodged a report at the police station that on that day, they had received a secret information that two persons namely Aniket and Abhishek who are working for 'fugitive' Ravi Pujari were assembling at Mangatram Petrol Pump, Bhandup as they had hatched a plot to kill a builder in the said area. Police had immediately jumped into action. At about 6.00 p.m., they had reached Mangatram Petrol Pump where they saw two persons moving around suspiciously. They kept a watch on the movement of the said two persons. At that time, they saw another person approaching them. They had suspected that they were associates of Ravi Pujari and had assembled on that spot to

accomplish their 'target'. Police had acted immediately and had taken all three persons into custody. At that time, when they were taken into custody, each one was found with country made pistols with altogether 12 live cartridges and more than 4 cellphones.

4) Said persons were taken to the police station and in the course of detection, it had transpired that they were to kill a builder namely Pramod @ Raju Patil.

5) In the course of inquiry and investigation, it had further transpired that present applicant and one Dayanand Mahabal Jatan @ Chaddi were involved in hatching the said plot and that they had given all the requisite information about the target Mr. Patil to 'fugitive' Ravi Pujari. That both of them were taken into custody for the purpose of inquiry. Applicant had surrendered three licences on 18/04/2014. There was no plausible explanation for being in possession of two unlicensed revolvers. As far as third revolver is concerned, applicant had offered an explanation that the husband of his paternal aunt had expired and she had given him the said weapon for surrendering to the police authorities, however, it remained to be surrendered. The explanation was accepted as far as third revolver was concerned and the statement of the

paternal aunt was recorded which corroborated the said contention.

6) Investigating agency had then recorded the confessional statement of Dayanand. He had disclosed to the police that he had met present applicant through brother of applicant namely Tushar Patil. That the present applicant had engaged him as an alternative driver on his car. It appears from his confessional statement that present applicant had learnt that Dayanand was in close contact with 'fugitive' Ravi Pujari. In 2012, Dayanand had mediated 'fugitive' Ravi Pujari and one builder. Since then Dayanand had given several instances when present applicant had contacted 'fugitive' Ravi Pujari on the cellphone of Dayanand. That applicant and Ravi Pujari were in close contact with each other thereafter. He has specifically stated that applicant had asked the 'target' builder to give the shop to his relative for running a wine shop. The said builder had declined. Being annoyed with the same and to threaten him, he had provided all the information about the builder to 'fugitive' Ravi Pujari and it was decided to threaten him, extort him or as an ultimatum eliminate him. It was only in the nick of time that the police had received a secret information and had acted upon the same immediately.

7) The learned APP has filed an affidavit contending therein that applicant

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had contacted Ravi Pujari through Dayanand and was not only providing information to him but was acting in close association with him by providing information, collecting the pecuniary gains as the proceeds of the crime, sending the said amount to 'fugitive' Ravi Pujari through Havala.

8) After applicant was arrested, investigating agency has seized as many as 4 cellphones and 4 sim cards. According to learned APP, applicant was using the same which were registered in various other names to contact 'fugitive' Ravi Pujari.

9) The learned counsel for the applicant submits that in crime no. 23 of 2012 registered at Govandi Police Station, co-accused are one Mr. Sahani and Mr. Shetty who were not members of organisation of 'fugitive' Ravi Pujari. In crime no. 112 of 2014 registered at Devnar Police Station, accused persons are Ravi Pujari and 5 others. The learned counsel submits that applicant is not accused in both offences registered either at Govandi police station or Devnar Police Station.

10) The learned counsel for the applicant submits that there is no material to indicate that present applicant was in constant touch with 'fugitive' Ravi Pujari as none of the sim cards are registered in the name of the applicant.

Said submission is unwarranted since the very case of the prosecution is that he was calling upon 'fugitive' Ravi Pujari from various cellphones which were not registered in his name.

11) The material collected in the course of investigation clearly indicates that applicant happens to be a member of organisation of 'fugitive' Ravi Pujari. To accord sanction under the provisions of MCOCA what is contemplated is that more than two charge-sheets are filed against the organisation, therefore, the contention that the applicant has not been charge-sheeted in any other case would hold no good ground. Taking into consideration all the above mentioned aspects, this Court is of the opinion that the applicant does not deserve to be enlarged on bail. Hence, application stands rejected.

12) The Special Court shall not be influenced by the observations made herein above at the time of trial as they are restricted to an application under section 439 of Code of Criminal Procedure, 1973.

**(SMT. SADHANA S. JADHAV, J.)**