

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2722 OF 2017**

Dipak Shivram GaikwadApplicant.
Vs.
The State of MaharashtraRespondent.

Mr. Tapan Thatte for the Applicant.
Mr. Ameet Palkar APP, for the Respondent-State.

**CORAM : A. S. GADKARI, J.
DATE : 10th JULY, 2018.**

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. 295 of 2014 dated 28th November, 2014 originally registered with Deonar Police Station, Mumbai and having renumbered CR No. 112 of 2014 registered with DCB, CID, under Sections 387, r/w 34 and 120(B) of the Indian Penal Code with Sections 3 and 25 of the Arms Act and Sections 3(1)(ii), 3(2) and 3(4) of the MCOC Act, now culminated into MCOC Special Case No.4 of 2015.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the charge sheet.

3 The prosecution case in brief is that, the Applicant is a member of the organized crime syndicate headed by Mr. Ravi Poojari and acted as a conduit for collecting ransom between the victims of

the crime and the head of organized crime syndicate.

That, after the lodgment of first information report in the present crime, during the course of investigation it was revealed to the Investigating Officer that, the present crime was committed by an organized crime syndicate and therefore, a prior approval under Section 23(1) (a) of the MCOC Act dated 18th December 2014 was accorded by the Competent Authority. After completion of the investigation, the Competent Authority has granted sanction as contemplated under Section 23(2) of the MCOC Act.

4 The statements of the witnesses clearly indicate that, the Applicant was earlier member of the organized crime syndicate headed by Chhota Rajan and subsequently started working for Ravi Poojari. The evidence on the record i.e. statements of witnesses, clearly indicate that the Applicant on several occasions approached the victims for collecting ransom from them and through Hawala sent part of the said ransom to the head of organized crime syndicate namely, Ravi Poojari.

5 The contention of the learned counsel for the Applicant that, there is no corroboration to the version of the first informant by other witnesses and the alleged other victims, has no substance in it.

At this stage, these statements are to be taken into consideration as it has *prima facie*, value in the eyes of law and can be relied upon safely to assess a prima facie case against the Applicant.

The learned counsel further submitted that, various separate incidents are clubbed together whilst filing the charge sheet in the matter and the police ought to have recorded separate first information reports for each and every incident. It is the settled position of law that, the accused has no right to dictate terms to the Investigating Agency as to in which manner and mode the investigation of a crime to be conducted by it. The various statements on record indicate that, there are series of incidents wherein the Applicant has indulged into an act of a conduit between the organized crime syndicate and the victims. There is sufficient material available on record to show the clear complicity of the Applicant in the present crime and therefore, it is difficult for this Court to hold that the Applicant is not *prima facie* guilty of the crime alleged against him under the provisions of the MCOC Act.

6 The Application being devoid of any merits, is accordingly rejected.

(A.S. GADKARI, J.)