

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 1033 OF 2020

(Krushna s/o Madhukarrao Thotange vs. State of Maharashtra thr. PSO, Sitabuldi, Nagpur,
Crime Branch, Gittikhadan, Nagpur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Sunil V. Manohar, Senior Advocate with Shri A.C.
Jaltare, Advocate for the applicant.
Shri Pravin P. Chavan, Special Public Prosecutor for
the non-applicant – State.

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CORAM : PUSHPA V. GANEDIWALA, J.
JANUARY 07, 2021.

Heard Shri Manohar, learned Senior
Advocate with Shri Jaltare, learned counsel for the
applicant and Shri Chavan, learned Special Public
Prosecutor for the non-applicant – State.

2. The applicant is said to have surrendered himself on 05.02.2020 and now seeking bail in Crime No. 676 of 2019 for the offence punishable under Sections 420, 467, 468, 471, 384, 386, 506(2) and 120(B) read with Section 34 of the Indian Penal Code and under Sections 3(1)(II), 3(2), 3(4), 3(5) and 4 of Maharashtra Organized Crime Act, 1999, (hereinafter referred to as MCOC Act) registered by Sitabuldi Police Station, Nagpur.

3. The core of the charge against the co-accused - Santosh Ambekar, leader of syndicate along with his associates is that they duped the informant Jigar Patel by Rs. Five crore on the pretext of selling property at Mumbai and also accused of extortion of Rs. One crore with threats of life.

4. Shri Sunil Manohar, learned Senior Advocate submitted that there is no convincing material in the entire charge sheet against the present applicant except that his name is found mentioned in one page of the diary seized from the co-accused for receiving Rs.2.57 crores. It is further submitted that the informant had even not described the present applicant, who met him in the office of accused No. 1. As such, the identification of the applicant, almost after two years, as a person who met him, does not hold much steam. The applicant is absolutely innocent and he has a business of construction at various places in Maharashtra and he takes hand-loan from many people for business.

5. Shri Pravin Chavan, learned Special Public Prosecutor, while strongly opposing the bail application, brought to the notice of this Court

sufficient material against the present applicant to connect him in the present crime.

(i) Firstly, he was present in the meeting in Hotel West-in, in which the conspiracy for the alleged offence is hatched.

(ii) Call details of his mobile show multiple calls to the main accused and the other co-accused during the relevant period.

(iii) Confessional statements of the co-accused, showing involvement of the present applicant in the said crime directly or indirectly.

(iv) Diary page which was seized from the co-accused, showing the amount of Rs.2.57 crore against the present applicant.

(v) The informant and the person, who accompanied the applicant to the house of accused No. 1 – Santosh Ambekar, identified the present applicant, who was seen there and instigated the informant to enter into the said transaction.

(vi) The applicant is referred to as a partner of main accused – Santosh Ambekar. At the instance of the applicant, money was transferred from Mumbai to Nasik and Nagpur.

(vii) Secret witness No. 58 also took the name of the present applicant as Rajput and he identified him in Test Identification Parade.

6. The aforesaid grounds are reasonable to believe that the applicant assisted the syndicate as an Abettor/ conspirator and considering his continuous association with the main accused – Santosh Ambekar as his partner, the chances that he may not commit any offence in MCOC Act, are very bleak.

7. In such circumstances, no case for bail is made out. Criminal application is rejected.

8. Needless to mention that the observations made in this order are strictly for deciding the present application of the applicant and the trial Court shall not get influenced by the same and shall be free to decide the matter on its merits.

JUDGE

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