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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.173 OF 2022

Gokul Ramesh Chavan	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr.Aditya Sharma for Applicant.
Mr.S.V. Gavand, APP for the State.

CORAM : BHARATI DANGRE, J

DATE : 10TH AUGUST, 2022.

P.C.

1] The Applicant who is charge-sheeted in CR No. 15/2017 which inivoke offences under Section 307, 224, 285, 353, 382, 279, 336, 337 read with 34 of the Indian Penal Code read with Section 3, 7 of the Essential Commodities Act read with Section 3(4), 4, 7 and 8 of Motor Spirit and High Speed Diesel (Regulation of Supply, Distribution and Prevention of Malpractices) Order 2005 read with Section 37(1), 135 of Maharashtra Police Act read with Section 184 of the Motor Vehicle Act and under Section 3(1)(II), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

2] The Applicant came to be apprehended on 02.04.2016 and seek his release on the ground of long incarceration, since the trial is not concluded.

3] It is alleged that on 02.04.2016 at around 3.45 a.m. information was received by the police that some accused persons are likely to arrive at the given spot and accordingly a team was constituted and a trap was laid. As per the information received, one vehicle arrived at the spot and when the police tried to stop the vehicle, the accused persons hit the police vehicle. They also threw fire torches towards the police team. At 4.25 a.m. two persons were apprehended and they were found to be transporting 105 liters of diesel, illegally in the Esteem car bearing No.MH-06-T-584. The diesel found in possession was alleged to be stolen from an unknown place.

4] When the incident took place, apart from the complainant several police officers had witnessed the same and during the course of investigation when their statements were recorded, unequivocally it is stated that when the police officials tried to stop the vehicle in which the accused arrived at the spot, with an intention to kill the policemen, the vehicle was driven on them and fire torches were thrown in order to ensure a safe passage for the accused persons to escape. The accused hit the mobile police vehicle and they threw the diesel on the road with an intention that the police vehicle would skid on the road and they will not be able to chase the accused. Somehow on account of swift action on the part of patrolling team, two persons were arrested, which include the present Applicant and one co-accused.

5] During the course of investigation of the subject CR, it was revealed that the particular incident was committed as a part of the organized crime syndicate headed by gang leader Vijay Vicky Thakur @ Ajay Vicky Singh who had indulged in continuous unlawful activities and committed offence for pecuniary advantage with the assistance of

other members. The Applicant is one of the member of the organized crime syndicate and his connection with the gang leader is established through commonality in CR No.44/2014 invoking offences under Section 392, 506 read with 34 of the Indian Penal Code registered with Turbhe MIDC Police Station and CR No.138/2008 registered with Nerul Navi Mumbai Police Station invoking offences under Section 379 read with 34 of the Indian Penal Code.

6] Apart from this, another CR registered with APMC Police Station in which the gang leader is an accused alongwith the present applicant, which invoke offences under Section 307, 353, 234, 285, 279, 336, 337 of the Indian Penal Code and relevant Sections of the Essential Commodities Act, establish the commonality and link of the present Applicant with the gang leader. Another co-accused Rakesh @ Babu Bhim Murmu and the present applicant has a common CR registered with Taloja Police Station in CR No.32/2016.

7] The charge-sheet contain material to establish that the Applicant is a member of the organized crime syndicate and the statement of the gang leader under Section 18 of the MCOC Act attribute a specific role to the Applicant. Apart from this, the Applicant was in continuous contact with the gang leader and other members of the syndicate which has been established from the CDR.

Substantial evidence has been collected against present Applicant in the charge-sheet and in view of the seriousness of the offence, when prima facie evidence establish that the Applicant is a member of the organized crime syndicate, the application do not deserve any consideration.

Hence, Application is rejected.

8] Since the Applicant is apprehended since the year 2016, the trial Court is requested to expeditiously conclude the trial in MCOC Special Case No.15/2017 and preferably within a period of one year from today.

[BHARATI DANGRE, J]