

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.989 OF 2019

Prashant Mulya @ Annu] ... Applicant

Versus

The State of Maharashtra,]
(At the instance of Nerul Police Station.)] ... Respondent

...

Ms. Gunjan Thakkar with Mr. Vijiya Mistry for the applicant.

Mr. P.H. Gaikwad, A.P.P. for the State.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 10TH MARCH, 2022.

P.C.:-

1. The applicant, who is charge-sheeted in MCOC Special Case No.7 of 2015, seeks his release on bail on the ground that the material compiled in the charge-sheet is insufficient to connect him to C.R. No.I-196 of 2015, registered with the Nerul Police Station, Navi Mumbai, invoking Sections 384, 385, 386, 387 and 201 read with Section 34 of the IPC and under the relevant sections of the Arms Act and Mumbai Police Act. The said C.R.

AJN

also invokes the provisions of Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (for short, **“the MCOCA”**).

2. In connection with the said C.R., the applicant came to be arrested on 15/07/2015 and is presently incarcerated.

3. Heard Ms. Thakkar, the learned counsel appearing for the applicant and Mr. Gaikwad, the learned A.P.P. appearing for the State.

4. The case of the prosecution is to the effect that the complainant in the month of October, 2014 met accused No.1, Nadeem, who enquired him whether he has received any extortion call from the underworld, which was denied by the complainant. On 05/11/2014, however, he received a call from an international number and the person identified himself as Ravi Pujari and, he demanded a sum of Rs.2 crores. This constrained him to register a complaint in Navi Mumbai Police Station against Ravi Pujari and he was given the police protection along with bouncers and he also installed CCTV cameras at the entrance of his office and residence. Another call was received by the complainant in January/February, from Ravi Pujari to pay the amount demanded and, this time, it was informed to be a threat.

5. Thereafter, one of the friends of the complainant, Dastagir,

who also received extortion calls two years back, offered him to help the complainant and called Nadeem, Aftab Alam Mohd. Ayub @ Haji, accused No.6. All the said persons spoke to Ravi Pujari for settling the issue.

6. The complainant alleged that then he stopped answering Ravi Pujari's calls and the complainant, with the assistance of Dastagir, sorted out the matter with Ravi Pujari and brought the extortion amount to Rs.75 lakhs. Since he was not having money, he offered a 1 BHK flat in Panvel's ongoing project as per the desire of Ravi Pujari, but thereafter he demanded some other flat in a prime locality.

7. The complainant continued to receive calls from Ravi Pujari and in the month of February, 2015, the present applicant along with co-accused Keshav Bhange (A-3) went to the office of Dastagir and also visited the office of the complainant under the instructions of co-accused Haji and conveyed the message of effecting balance payment. It is alleged that the present applicant made the complainant to speak with Haji through his phone, who demanded the balance amount of Rs.45 lakhs. The complainant specifically states that the present applicant made phone calls to him, on 4 - 5 occasions reminding him about the payment of money.

8. The aforesaid complaint resulted in registration of FIR

against the accused persons, including the present applicant as a member of the syndicate. The material contained in the charge-sheet implicates the present applicant on the basis of CDRs, which match with the version of the complainant. The confessional statement of the present applicant also came to be recorded under Section 18 of the MCOCA, wherein he admitted his role in the commission of offence. The accusation faced by the applicant that he called the complainant on four to five occasions, is supported by CDRs, which are compiled in the charge-sheet. Another call which was made to co-accused by remaining present in the office of the complainant is also traced. The applicant is also subjected to Test Identification Parade and the secretary of the complainant, has identified him as the person, who had visited the office of the complainant.

9. The case of the prosecution against the applicant is that he is actively involved with the crime syndicate, run by Ravi Pujari, who had demanded an amount of Rs.2 crores from the complainant. The active participation of the applicant is apparent, since the material in the charge-sheet points out to his visit in the office of the complainant and he made the complainant to speak with Haji through his phone and demanded the balance amount of Rs.45 lakhs. The CDRs establish the said connect as well as support the case of the prosecution that the applicant made phone calls to the complainant, on 4 - 5 occasions.

10. Pertinent to note that the accused Ravi Pujari, Aftab Alam @ Haji and Nadeem are still absconding. The gang leader is Ravi Pujari, who has several serious offences registered against him and as far as the present applicant is concerned, he has instances of offences registered with Navi Mumbai Police Station invoking Section 420, 465, 466, 468, 471 and 170 of IPC and offences registered under Section 387 of the IPC with Crime Branch, Mumbai, as well as offences registered in the year 2015 invoking Section 384, 385, 386 and 387 read with Section 34 and under the Arms Act. The involvement of the present applicant with the organized crime syndicate can be discerned through the material compiled in the charge-sheet. The prosecution has expressed an apprehension that if he is released on bail, he might assist the other co-accused, who are already absconding and there is all likelihood that he may pressurize the witnesses and hamper the trial. Looking at the material compiled in the charge-sheet, I do not think the present case to be a fit case for releasing the applicant on bail in serious offences of MCOCA. In the wake of the positive material compiled in the charge-sheet, the application deserves to be rejected and is rejected.

[SMT. BHARATI DANGRE, J.]