

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 831 OF 2022

Manjeetkumar Gayaprasad Varma

...Applicant

vs.

The State of Maharashtra

...Respondent

Adv. Kishor Patil a/w Mr. Dilip Shinde, Adv Sachin Bhavar, Adv
Mukund Mane - Advocate for the Applicant

Mr. H. J. Dedhia - APP for the Respondent-State

Mr. Pranay Kate – API Naya Nagar Police Station

CORAM : S. M. MODAK, J.

DATE : 05th APRIL, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP
2. He is one of the accused in a charge-sheet filed for the offence punishable under Sections 395, 201, 412, 120-B of the Indian Penal Code, Section 3, 25 of the Arms Act and Sections 3(1) (ii), 3 (2), 3(4) of the Maharashtra Control of Organised Crime Act.
3. The main allegation against him is receiving the stolen property. In the affidavit-in-reply filed on behalf of the prosecution there are two annexures, one is the panchnama dated 03/02/2021

carried out by the Crime branch of the Kashimira Unit. One accused by the name Vinayakumar @ Sintu Singh has expressed desire to show the shop at Mira Road wherein he has sold away the ornaments to one Manjeetkumar who is present Applicant.

4. Learned APP pointed out that at the time of carrying out the present panchnama, the present Applicant was not made an accused. However when other accused came to be arrested from the information given by them, the present Applicant came to be arrested. He is also resident of the State of Uttar Pradesh. At his instance, memorandum panchnama dated 24/07/2021, two gold bars amounting to Rs. 995000 and Rs. 5000 were seized. It also consists of Samsung Mobile phone and BSNL Sim card.

5. According to the learned Advocate for the Applicant, the Police may justify in applying Section 411 of the Indian Penal Code but there are no materials to invoke provisions of the MCOC Act against the present Applicant. Learned APP submitted that this Applicant is in contact with the other accused persons who are members of the organized crime syndicate.

6. It is true that in the affidavit-in-reply there is no where mentioned that there are cases against the present applicant and the

charge-sheet filed against the present applicant wherein he is charge-sheeted as a member of the Organized crime syndicate alongwith other accused persons. Even though there is allegation that the present Applicant has purchased ornaments from the accused who are dacoits, there are no materials that any way the present Applicant has committed the act of the dacoity in any manner. There are no materials to pointed out to me that the present Applicant is a member of the organized crime syndicate and knowingly he has purchased the ornaments as a member of the organized crime syndicate.

7. So prima-facie I feels that the Applicant has made out the case for grant of bail which is the requirement of the MCOC Act. Strict conditions can be imposed on him. Hence the following order:

ORDER

- (i) Bail Application No. 831 of 2022 is allowed.
- (ii) The Applicant be released on bail on furnishing Personal Bond and Surety Bond in sum of Rs. 50,000/- in connection with C.R. No. 14 of 2021 of registered with the Naya Nagar Police Station for the offence punishable under Sections 395, 201, 412, 120-B of the Indian Penal Code, Section 3, 25 of the Arms Act and

Sections 3(1)(ii), 3 (2), 3(4) of the Maharashtra Control of Organised Crime Act.

- (iii) Applicant to furnish surety who is resident of Thane District.
- (iv) Applicant is directed to attend the Naya Nagar Police station on second Monday once in three months till conclusion of the trial.
- (v) Applicant shall not to threaten the prosecution witnesses.

[S. M. MODAK, J.]