

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

BAIL APPLICATION NO. 1423 OF 2022

Vinaykumar @ Sintu Chandrahas Singh	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. S. T. Pandey a/w Mr. Nagesh Avhad, Ms. Angela Singha, Ms. Anima Mishra, Ms. Ritu Singh and Ms. Kajal Upadhyay i/by SBG Law Advocates for Applicant
Mr. H. J. Dedhia - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 05th APRIL, 2023

P. C. :-

1. Heard learned advocate for the Applicant and learned APP for the Respondent-State.
2. The present Applicant alongwith others are charge-sheeted 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. Dacoity is committed in the shop of S. Kumar and Gold Jeweller situated at Mira Road, District Thane. On 07/01/2021, four

unknown persons have entered the shop at 13.55 hours, they have entered the shop under the guise that they are customers. After entering the shop, they have threatened the occupants with the help of pistols and the occupants were threatened to handover gold and golden ornaments. Occupants have parted away the golden ornaments amounting to Rs. 98,50,000/-. Initially an offence under Section 394 of the Indian Penal Code alongwith Arms Act was registered.

4. During investigation, the Police have arrested the present Applicant and others. It was revealed that the Applicant was having criminal background and this is not the case of plain dacoity, it is organized crime syndicate and then approval has been granted. There are sufficient materials collected during investigation and that is why after granting sanction, charge sheet is filed.

5. Learned Advocate for the Applicant tried his level best to point out the inconsistencies in the material collected during investigation. The affidavit-in-reply is filed which mentions that there are various offences and charge-sheet filed against the present Applicant in the State of Uttar Pradesh. It is submitted in few of them he has been acquitted. Even though there may be inconsistencies in the materials collected by the prosecution, I am

unable to satisfy myself to come to conclusion that there are grounds to believe that the Applicant is not guilty of the offence. This is requirement as per the provisions of the MCOC Act.

6. The materials collected by the prosecution consist of the recovery during his personal search when he was arrested by special task force in the State of Uttar Pradesh. It consists of ornaments/gold bar seized at the instance of the present Applicant as per statement recorded under Section 27 of the Indian Evidence Act. It consists of the identification by witnesses during the parade.

7. So considering the above, there is involvement of the Applicant for offence under Section 395 of the Indian Penal Code. Materials also indicates that crime is outcome of the organized crime syndicate. So I do not think that Applicant can be granted bail, hence it is rejected. If the trial will not start within a period of two years from today, the Applicant is at liberty to again apply for bail.

8. Let learned APP to give instructions to concerned Police officers to inform about this order to Special Court seized of the matter. Copy of this order be also communicated to the concerned Court.

[S. M. MODAK, J.]