

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2325 OF 2023

Jegjeetsing @ Jaggi Dilbagsingh Sandhu

VERSUS

The State Of Maharashtra

...

Advocate for Applicant : Mr. S.S. Jadhav h/f Mr. Granthi Manpreet
Ajeet Singh

APP for Respondent/State : Mr. S.P. Sonpawale

...

CORAM : S.G. MEHARE, J.

DATED : AUGUST 23, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.129 of 2023 registered with Vazirabad Police Station, District Nanded for the offences punishable under Sections 384, 385, 386, 387, 201 of the Indian Penal Code and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act ('MCOCA Act' for short).
3. It is an interesting case, the applicant has been arraigned in this crime registered on the complaint of the Police Inspector, Local Crime Branch, Nanded. He lodged a report on the secret information that the members of one Rindha group are creating terror in the locality. They were extracting money from the people. However due to fear, nobody is coming forward. In fact in this crime, there was no

specific incident has been recorded. It is just a crime on the basis of the confidential information received by the Police Inspector, Local Crime Branch. When this crime was registered, the applicant was behind bar in another Crime No.273 of 2019. This FIR was registered on 20.04.2023. This Court ordered to release him on June 14, 2023 in Crime No.273 of 2019. Thereafter, as per the arguments of the learned counsel for the applicant, the police recorded the statement under Section 18 of the MCOCA Act of the co-accused in July 2023. Though bail was granted to him, he was to remain behind bar as non-bailable warrants were issued against him in another crimes. Lastly, he furnished the bail on 15.07.2023. On the same day, the applicant was arrested in this crime.

4. Learned counsel for the applicant has vehemently argued that there is absolutely nothing about the crime in the FIR. It is just the surmises of the Police Inspector, Local Crime Branch. The law does not permit such type of FIR to be registered on secret information. If any group is working and creating terror, other legal provisions are available to take an action. However in the entire proceeding, there is nothing against the applicant. The FIR was registered against the unknown persons. To establish the link or connection with the crime, there must be some evidence with the police. The police are merely keeping many such persons behind bar, considering their history and past record. To arrest a person, there

must be some substantial material. Nobody can be arrested at the whims of the Police. If the law and order is disturbed, it is the duty of the police to maintain law and order by applying the measures available under the law. He would submit that the applicant had connection with Rindha in 2018. He paid huge cost for it. Now, he is living a peaceful life. The police again and again, keeping him behind bar. Hence, he may be released on bail.

5. Learned APP has read some papers and advanced the arguments that the police has material to show that the applicant was involved in various crimes. The statement of the co-accused under Section 18 of the MCOCA Act was recorded in which the applicant's name came to the light. He would submit that there is a great terror in the Nanded town. Still many poor people are looted and money extractions are going on.

6. There appears substance in the arguments of the learned counsel for the applicant that unless there is some material against a person, only on the whims and surmises of the police officer, nobody could be arrested and confined in jail. In this case, the crime was registered in 2023. That time, the applicant was already in jail in another crime. If really the police had any material against him, they had transferred him in this crime. But the police arrested him soon after releasing him on bail in Crime No.273 of 2019. In such

circumstances, a statement of the co-accused under Section 18 of the MCOCA Act did not support the prosecution.

7. For the above reasons, the application deserves to be allowed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Jegjeetsing @ Jaggi Dilbagsingh Sandhu, be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that;
 - (a) The applicant should not tamper with the prosecution witnesses.
 - (b) The applicant should not be in contact with Rindha or any of his group members till the trial is concluded.
 - (c) The applicant should not leave the place of his residence without the leave of the Court till the trial is concluded.
 - (d) The applicant should furnish his residential proof and cell phone number before the Trial Court with an undertaking that he would not change them till the conclusion of the trial.

(S.G. MEHARE, J.)