

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

CRIMINAL APPEAL NO.63 OF 2024

Nitin Ramesh Ramdhumal and Ors. Appellants

Versus

The State of Maharashtra Respondent

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Mr.Akhilesh Singh i/b. Ms.Neetu Singh, Advocate for the Appellants.

Mr.J.P. Yagnik, APP for Respondent – State.

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***CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.***

DATED : 25th NOVEMBER, 2024.

P.C. :

1. Being aggrieved by the order passed below Exhibit-10 (in Special Case MCOC No.557 of **2022**), refusing discharge to the Appellants, the present Appeal is filed. It is informed that as far as Appellant No.1 Nitin Ramesh Ramdhumal is concerned, this Court by order dated 23.10.2024, allowed the Application of the Applicant, by recording the inconsistency and the discrepancy that was placed before the Court, and since the Applicant had no criminal antecedents other than the FIR which is registered against him, and by specifically recording that even charge has not been framed, and the prosecution is likely to be a long drawn process with 53 witnesses to be examined, on the ground of long incarceration of 2 years and 6 months, his release has been preferred.

*This order is corrected pursuant to the Speaking to the Minutes order dated 17.12.2024
Rajeshri Aher*

Undisputedly as far as the other three Appellants i.e. Appellant Nos.2 to 4 are concerned, they are at liberty to file their respective Bail Applications by availing the remedy available.

2. As far as the impugned order is concerned, when the Applicant sought discharge pursuant to the filing of chargesheet, the rival contentions are carefully recorded by the learned judge and reference is made to the prime accused, who is referred to as the gang leader and who has 14 crimes registered against him, which include crimes involving serious bodily injuries as well as offences against property. Accused Konojiya is noted to have been booked in 17 crimes and his involvement in serious offences affecting body as well as property, has also been referred to.

The learned judge has categorically recorded that there is sufficient material which indicates that the accused persons have indulged in criminal activities from the year 2010, till lodging of the present report and the accused persons have a criminal background, and considering that there is sufficient material to invoke MCOC, the discharge has been refused.

In the wake of the material on record referring to the activities of the accused persons in the form of a crime syndicate, the Special Judge did not find any substance in the submission that they deserve discharge.

We concur with the view expressed in the said order, as at the stage of discharge it is not possible to sift the evidence and appreciate the evidence collected in the chargesheet. As it is to

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be best left in the hands of trial Court, and in any case, since one of the Appellant Nitin Ramesh Ramdhmal has been released on bail, the other Appellants have fair chance for securing similar relief.

Finding no infirmity in the impugned order, the Appeal is dismissed.

Needless to state that our observations are restricted to discharge and we have not made any observations as regards the entitlement of the Appellants to avail bail.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)