

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

CRIMINAL BAIL APPLICATION NO. 2068 OF 2024

Nagesh Ramppa Bandger	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Amol L. Dhumal, Advocate for the Applicant.
Mr. P. H. Gaikwad, APP for Respondent/State.
Mr. Narendra Patil-API, Chatushrungi, Police Station, Pune.

CORAM : ASHWIN D. BHOBE, J.

DATE : 4th AUGUST, 2025.

P.C. :

1. Heard Mr. Amol Dhumal, learned Advocate for the Applicant and Mr. P. H. Gaikwad, learned APP for the Respondent-State.
2. By the present Application, Applicant is seeking bail in connection with Crime No. 1268 of 2020 registered with Chatushrungi, Police Station, Pune for the offences punishable under Section 392 read with 34 of the Indian Penal Code, and Sections 3(1)(ii), 3(2) and 3(4) of MCOC Act. Said crime is registered as Special MCOCA Case No.559 of 2022 and is pending on the file of the Court of Additional Sessions Judge and Special Judge, MCOC Act, Pune.
3. There are two accused in the present crime.
4. Case of the prosecution is that the Informant, Ms. Khushbu Rakeshkumar Singh was dropped by her husband near Kiya Motors Showroom, Baner, Service Road, Baner, Pune. During the said time, the

Accused persons who were on a motorcycle forcibly snatched the gold chain from the neck of the complainant and fled away. Though the said crime was earlier registered under Section 392 read with 34 of IPC, during the course of investigation, the involvement of the Applicant in other crimes was brought on record, consequently, provisions of Section 3(1)(ii), 3(2) and 3(4) of MCOC Act was added.

5. Applicant was arrested on 30th November, 2020 since then Applicant is in jail. Bail Application at Exhibit-6 filed by the Applicant in Special MCOCA Case No.559 of 2022 was rejected by the Additional Sessions Judge and Special Judge, MCOC Act, Pune on 12th February, 2024.

6. Mr. Amol Dhumal, learned Advocate for the Applicant, submits that there is no evidence of any eyewitness in the present crime to implicate the Applicant in the present crime. He therefore submits that the Applicant is entitled to bail.

7. Mr. P. H. Gaikwad, learned APP for the State, submits that the subject matter of the crime pertains to a gang of chain snatchers. He submits that the Assistant Commissioner of Police Khadki Division Pune City, Pune has filed affidavit-in-reply dated 13th January, 2022, in which the Respondent has made reference to the gang leader Rajabhau @ Raju Khemu Rathod having criminal antecedents of 67 offences, most of which are pending before the Court for Trial. He submits that the Applicant has 19 criminal antecedents, which are common with the gang leader Rajabhau @ Raju Khemu Rathod. He submits that Applicant is an active member in the organized crime, which crimes are being executed by the said crimes syndicate headed by the Gang leader

Rajabhau @ Raju Khemu Rathod. He submits that most of the offences registered against the Applicant are under Section 392 of IPC. He has expressed serious apprehensions of the Applicant repeating and involving himself in similar crimes if released on bail. He therefore submits that the Applicant, has failed to overcome the bar under Section 21(4) of the MCOC Act.

8. In rejoinder Mr. Amol Dhumal, submits that MCOC Act would not be applicable to the case of the Applicant. He submits that out of the 19 cases registered against the Applicant, Applicant has been acquitted in 11 cases and the balance 7 cases are pending. Out of the 8 pending cases, the Applicant is on bail. He however, does not dispute that the offences in the 19 antecedents pointed out by the Respondent are under Section 392 of IPC.

9. Perused the record with the assistance of the learned Advocates for the parties.

10. Perusal of the records reveal that the Applicant being an active member of the gang of Rajabhau @ Raju Khemu Rathod. Applicant has 19 criminal antecedents, which are common with the gang leader Rajabhau @ Raju Khemu Rathod, who has 67 criminal antecedents. Material against the Applicant proves the Applicant being involved with the activities of the gang leader and also the organized crime syndicate, which justifies the invocation of the MCOC Act.

11. Prima facie the offence which is subject matter of the present crime was committed in continuation of unlawful activities of the organized crimes syndicate. Applicant has failed to make out a case for

grant of bail under Section 21(4)(b) of the MCOC Act.

12. Considering the merits of the matter, gravity of the offence and involvement of the Applicant, the Applicant does not deserve to be released on bail.

13. Criminal Bail Application No. 2068 of 2024 is dismissed.

(ASHWIN D. BHOBE, J.)

Digitally signed
by GAYATRI
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