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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.850 OF 2025

Jagruti Dhanesh Thorat … Applicant

V/s.

The State of Maharashtra … Respondent

Mr. Tapan Thatte with Mr. Vivek N. Arote for the applicant.

Ms. Pallavi N. Dabholkar, APP for the respondent-State.

Mr. Mahesh Mule, SPP with Ms. Nidhi Narwekar, Mr. Ankit Takle for the respondents.

Mr. Rahul Badane, IO, Central Unit, Navi Mumbai, is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 8, 2025

P.C.:

1. The present application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on regular bail in connection with Crime Register No. 490 of 2019 dated 14th November 2019, registered with Nerul Police Station, Navi Mumbai. The applicant is facing serious charges for offences punishable under Sections 302 (murder), 364 (kidnapping), 120B (criminal conspiracy), 201 (causing disappearance of evidence), 212 (harbouring offender) read with Section 34 (common intention) of the Indian Penal Code, 1860. In addition, offences under Sections 3, 25 and 27 of the Arms Act, Sections 37(1) read with 135 of the Bombay Police Act, and Sections 3(1)(i), 3(2), 3(3), 3(4), and 3(5) of the Maharashtra Control of Organised Crimes Act, 1999 (MCOC Act) have also been invoked.

2. The case of the prosecution, in brief, is as follows: On 14th November 2019, at about 9:30 p.m., the deceased – Sachin Sarjerao Garje – left his house located in Nerul. Before leaving, he informed his family that he was going to meet co-accused Vicky Deshmukh. However, he did not return home that night. His family members, after searching for him, lodged a missing person report at the concerned police station.

3. It is further the case of the prosecution that the informant, who is the father of the deceased, later came to know through his nephew that on 14th November 2019 at around 10:00 p.m., the deceased was sitting with him near Grand Central Mall at Seawoods, when Sachin received a phone call from the said Vicky Deshmukh. After receiving the call, the deceased left the location along with co-accused Pritam Koli and another unidentified person. They are said to have proceeded towards Uran in a car, allegedly heading to the house of Vicky Deshmukh. Despite continuous efforts, the informant was unable to trace the whereabouts of his son.

4. Subsequently, based on the preliminary inquiry, a missing report was lodged on 14th November 2019, which was registered as Crime No. 490 of 2019. However, during the course of investigation, the police uncovered that the deceased had been murdered by the co-accused persons, and his dead body was disposed of to destroy evidence. In view of this, offences under Sections 302 and 201 of the IPC were added to the case. Later, upon receiving the necessary sanction under the MCOC Act, further serious charges under the provisions of the Maharashtra Control of Organised Crimes Act, 1999 were invoked.

5. The gang leader and other members of the organised crime syndicate, who are co-accused in the present case, had absconded after the incident. They were subsequently traced and arrested by the investigating authorities. After completion of the investigation, a charge-sheet has been filed before the competent Court. The present applicant came to be arrested on 21st August 2023, and is now seeking regular bail through the present application.

6. Learned Advocate appearing for the applicant submitted that similarly placed co-accused bearing Nos. 6, 12, 14, and 16 have already been granted bail by this Court. It is submitted that the role attributed to accused No.14 is that she had harboured the main accused, and along with accused No.16, had taken steps to arrange legal assistance for the other co-accused. As regards accused No.16, it is submitted that he had assisted the present applicant and accused No.14 in arranging accommodation for them, and also played a part in engaging lawyers and arranging legal support for the other accused persons. The role attributed to accused No.6 is of harbouring and assisting co-accused Dhanesh Thorat, which is stated to be identical to the role of co-accused No.12, who has already been granted bail by this Court. Hence, it is submitted that the principle of parity would apply in the case of the present applicant as well.

7. It is further submitted by the learned Advocate for the applicant that the Skoda car, which is allegedly used in the commission of the offences of abduction and murder, does not belong to the applicant at the relevant time. It is contended that the said Skoda car was sold by the applicant to co-accused Pritam Koli on 19th January 2019 for a consideration of ₹5,25,000/-, out of which ₹1,00,000/- was paid in cash and the remaining ₹4,25,000/- was to be paid later. It is submitted that this transaction took place well before the incident in question. The applicant was subsequently arrested on 21st August 2023, i.e., almost four years after registration of the crime. Relying on the principle of parity, and emphasizing that the Skoda car was no longer in the possession or ownership of the applicant at the time of the alleged offence, learned counsel prays that the applicant deserves to be released on regular bail.

8. On the other hand, the learned Special Public Prosecutor (SPP), opposing the bail application, drew attention to the material placed on record and submitted that although the role of the applicant may appear to partly overlap with some of the co-accused who have been released on bail, the role of the present applicant stands on a higher footing and is more grave. It is submitted that the applicant had accompanied other members of the crime syndicate to Varanasi, Uttar Pradesh, and further, during this journey, the Fortuner car owned by the applicant was used by the syndicate. It is specifically pointed out that accused No.5 purchased firearms and live cartridges during this journey, which shows that the applicant facilitated the crime syndicate's operations by providing logistical support.

9. It is further submitted that, during the pendency of the present bail application, a supplementary charge-sheet has been filed in Crime Register No.159 of 2022 for serious offences punishable under Sections 364A, 386, 120B, 323, 342, 506(2), 109 of the Indian Penal Code, read with Sections 3 and 25 of the Arms Act, and Sections 3(1), 3(2), and 3(4) of the Maharashtra Control of Organised Crime Act (MCOCA). The said charge-sheet reveals that the organized crime syndicate, including the present applicant, had unlawfully taken control of a stone-crushing unit, which was earlier sold by co-accused Dhanesh Thorat to a company named Sai Construction. It is brought on record that Sai Construction transferred an amount of ₹1,05,74,121/- to the account of Jagruti Enterprises, of which the present applicant is a partner. Further investigation revealed that a portion of this money was subsequently transferred to Gururaj Infra, a firm owned by Dhanesh Thorat, thereby showing that the applicant and Thorat were jointly engaged in continuous unlawful activities and were beneficiaries of proceeds of crime.

10. The learned SPP also submitted that the agreement relied upon by the applicant to claim that the Skoda car was sold to co-accused Pritam Koli prior to the commission of the offence cannot be accepted at face value at this stage. It is pointed out that the said agreement mentions receipt of ₹1 lakh in cash, and the rest of the amount was yet to be paid, raising doubts about the genuineness and legal validity of the sale transaction. Therefore, it cannot be conclusively said at this stage that the Skoda car was not under the effective control of the applicant at the time of the incident.

11. It is further submitted that although the two subsequent offences were registered after the present crime, their registration indicates a pattern of continuous and habitual criminal activity, and hence, there is a strong likelihood that the applicant may re-engage in similar unlawful conduct if released on bail. It is urged that the confessional statements of co-accused suggest that Dhanesh Thorat purchased immovable properties in the name of the applicant using crime proceeds. The investigation also discloses that the applicant used a dongle registered in the name of another person to hide her digital footprint, thereby actively taking steps to conceal her identity and obstruct investigation.

12. These materials, the learned SPP submits, clearly show that the applicant has knowingly assisted and abetted the operations of the organized crime syndicate, thereby attracting liability under Section 3(2) of the MCOCA. It is also evident that she has harboured and concealed the syndicate members in violation of Section 3(3), is an active member of the syndicate as contemplated under Section 3(4), and has also benefitted from the proceeds of organized crime, thereby attracting Section 3(5) and Section 4 of the MCOCA. In view of the aforesaid serious allegations, supported by substantial material, it is argued that there exist reasonable grounds to believe that the applicant is prima facie guilty of the offences alleged against her. Therefore, the application for grant of bail deserves to be rejected.

13. Having considered the submissions advanced by the learned counsel for the applicant and the learned SPP for the State, and upon careful perusal of the charge-sheet, supplementary charge-sheet, and other material placed on record, the following points emerge for consideration:

Role of the Applicant Compared to Co-accused Already Released on Bail:

14. It is a matter of record that co-accused Nos. 6, 12, 14, and 16 have been granted bail by this Court earlier. However, merely because some of the co-accused have been enlarged on bail does not automatically entitle the present applicant to similar relief. The principle of parity in bail jurisprudence cannot be applied in a mechanical or superficial manner. Each accused's role has to be assessed on the basis of the specific allegations, material evidence, and degree of involvement in the alleged offence.

15. In the present case, as rightly pointed out by the learned Special Public Prosecutor, the role attributed to the present applicant is not only distinct but more serious and active than that of the co-accused who have been released. The released co-accused are primarily alleged to have harboured the absconding accused or assisted in arranging legal aid, which may be considered as secondary or post-incident assistance. However, the present applicant is alleged to have played a direct and substantial role in the core criminal activities of the syndicate.

16. The specific allegation against the applicant is that she accompanied key members of the organized crime syndicate to

Varanasi, Uttar Pradesh, during which arms and live cartridges were allegedly procured, and that the Fortuner vehicle registered in her name was used in this operation. These allegations suggest active and conscious participation in the execution of criminal plans of the syndicate, and not merely peripheral involvement.

17. Therefore, when the nature of participation and degree of culpability of the applicant is more grave and direct, she cannot be equated with those co-accused whose role is of a comparatively lesser degree. The principle of parity applies only when the role and circumstances of the accused are similarly placed. In the present case, the allegations against the applicant stand on a distinct and higher footing, disqualifying her from seeking parity-based bail.

18. Hence, the argument of parity raised by the learned advocate for the applicant is devoid of merit and cannot be accepted in the facts of this case.

Use of Vehicles Allegedly Owned by Applicant in Commission of Crime:

19. The applicant has placed reliance on a purported sale agreement to contend that the Skoda car, which is alleged to have been used in the commission of the offence of abduction and murder, was no longer in her possession or ownership at the relevant time. It is her case that the said vehicle was sold to co-accused Pritam Koli well prior to the date of the incident, and therefore, she cannot be held responsible for its use in the alleged crime.

20. However, as rightly pointed out by the learned Special Public Prosecutor, a closer examination of the said document reveals that the transaction was only partly executed. The agreement shows that only ₹1,00,000/- was paid in cash, whereas the remaining amount of ₹4,25,000/- was to be paid at a future date. This raises a serious question as to whether the sale was ever concluded in a legally binding manner.

21. Moreover, it is admitted that no steps were taken to transfer the registration of the vehicle with the Regional Transport Office (RTO). In absence of such transfer, the vehicle continued to stand in the name of the applicant, which in law, gives rise to a presumption of ownership and control. The alleged sale appears to have been an informal and private arrangement, unsupported by documentary evidence of completion, such as RTO endorsement, receipt of full consideration, or affidavit of delivery.

22. In such circumstances, the claim of the applicant that she had no control or knowledge of the vehicle's use in the alleged offence cannot be accepted at this stage, especially when the ownership records and incomplete payment indicate otherwise. The Court cannot lose sight of the fact that this vehicle is said to have played a role in the abduction and movement of the deceased, and hence forms part of the chain of circumstances relied upon by the prosecution.

23. Therefore, at this prima facie stage, the version of the prosecution that the Skoda car continued to be under the effective control of the applicant appears more probable, and cannot be brushed aside. The validity and genuineness of the alleged sale agreement is a matter of trial, and cannot be conclusively determined at the stage of consideration of bail.

Supplementary Charge-sheet and Continuing Unlawful Activities:

24. It is further the case of the prosecution that during the pendency of the present bail application, a supplementary charge-sheet has been filed in connection with Crime Register No.159 of 2022, which reveals fresh and grave allegations concerning the applicant's continued involvement in organised criminal activities.

25. The supplementary charge-sheet discloses that the co-accused Dhanesh Thorat, was involved in the forcible takeover of a stone-crushing unit, which had earlier been sold by Dhanesh Thorat to a third party – a company named Sai Construction. As part of this transaction, it has come on record that Sai Construction transferred an amount of ₹1,05,74,121/- to the bank account of Jagruti Enterprises, a firm in which the applicant is a partner.

26. The material further reveals that a portion of this amount was later transferred to Gururaj Infra, a firm belonging to co-accused Dhanesh Thorat. These financial transactions, on the face of it, reflect a pattern of circular movement of funds, raising a serious suspicion that the proceeds of organised crime were being channelled through entities linked to both the applicant and the syndicate leader. Such facts, when viewed in the context of the larger conspiracy and the financial trail, prima facie suggest that the applicant is not merely an associate but an active participant and beneficiary of the crime syndicate's unlawful gains.

27. The continued registration of fresh criminal cases, including serious charges of kidnapping, extortion, wrongful confinement, and arms possession, also indicates that the syndicate's operations were not isolated or limited in time, but formed part of a structured and ongoing pattern of organised criminal activity. The alleged transfer of large amounts of money into entities connected to the applicant, followed by onward transfers to entities linked to the main accused, supports the prosecution's theory that the applicant was instrumental in laundering or managing the financial proceeds of crime.

28. Furthermore, the investigation has brought to light that the applicant was using a dongle registered in the name of another person, which suggests a deliberate attempt to conceal her digital identity and evade tracking by law enforcement. Such conduct not only reflects consciousness of guilt, but also supports the inference that the applicant was attempting to hide her link to the crime syndicate.

29. In view of the above, this Court finds that the allegations of financial complicity, use of proxies, and linkage with proceeds of crime, taken along with other material on record, establish a prima facie case of the applicant's active and ongoing role in the organised crime syndicate, thereby attracting the bar under Section 21(4) of the MCOCA.

30. The cumulative effect of these circumstances rules out any ground to hold that the applicant is not likely to commit such offences while on bail. On the contrary, the material suggests that she has been an integral part of the network, and has benefitted from its illegal operations, financially and otherwise.

Elements Attracting MCOCA Provisions:

31. From the material collected during the course of investigation, this Court is of the prima facie view that the applicant was not a mere bystander or a passive associate, but had active knowledge about the existence and functioning of the organized crime syndicate, and was knowingly involved in furthering its unlawful objectives. The nature of her involvement, as brought on record by the prosecution, suggests that she played a deliberate and conscious role in promoting the syndicate's criminal activities.

32. The financial transactions traced to her firm, Jagruti Enterprises, which received substantial funds from Sai Construction, and later transferred a part of those funds to Gururaj Infra, a firm linked to co-accused Dhanesh Thorat, reveal a pattern of financial dealings which cannot be explained as normal business transactions. On the contrary, these transfers appear to be part of a money trail connected to the proceeds of organized crime, suggesting that the applicant was a beneficiary of such illegal activities. This financial linkage strengthens the prosecution's case that the applicant was involved in the handling and movement of funds derived from unlawful sources.

33. In addition, the allegations also point out that the applicant harboured accused persons who were members of the syndicate and provided them with accommodation and assistance, thereby facilitating their concealment from law enforcement agencies. This aspect goes beyond passive association and reflects intentional participation in sheltering absconding accused and obstructing the administration of justice.

34. Moreover, the fact that the applicant used a dongle registered in the name of a third person to access the internet or communicate, supports the inference that she was taking calculated steps to hide her identity. Such conduct clearly indicates that the applicant was aware of the criminality of her actions, and took conscious efforts to avoid detection, making it difficult for investigating agencies to trace her digital activities. This is a strong circumstantial pointer towards her involvement and criminal intent.

35. Taken cumulatively, these factors show that the applicant was not only aware of the operations of the organized crime group, but consciously aided its activities, sheltered its members, and benefitted from its proceeds. Therefore, at this stage, there exist reasonable grounds to believe that she is guilty of the offences alleged against her under various provisions of the Maharashtra Control of Organised Crime Act (MCOCA), including Sections 3(2), 3(3), 3(4), and 3(5).

36. Taking an overall view of the material placed on record, and considering the totality of circumstances, this Court finds that the conduct and role of the applicant cannot be seen in isolation or treated as incidental. The facts emerging from the investigation reveal that the applicant had direct awareness of the existence and operations of the organized crime syndicate, and her actions were not merely coincidental, but consciously undertaken with the intent to support and facilitate the unlawful objectives of the group.

37. The applicant is shown to have assisted in providing shelter and logistical support to absconding members of the syndicate, participated in financial transactions involving significant sums of money, and maintained business links with entities connected to the main accused. These acts, on the face of it, demonstrate active involvement and wilful association with the organized crime network.

38. When these aspects are considered together, they form a consistent chain of circumstances, which prima facie indicate that the applicant is not only associated with the organized crime syndicate, but has aided and abetted its functioning, sheltered its members, and gained from its illegal proceeds.

39. Therefore, at this stage, this Court is satisfied that there exist reasonable grounds to believe that the applicant is guilty of the offences alleged against her under the Maharashtra Control of Organised Crime Act, 1999, particularly under Sections 3(2) (aiding or abetting organized crime), 3(3) (harbouring syndicate members), 3(4) (being a member of an organized crime syndicate), and 3(5) (deriving benefit from proceeds of organized crime).

40. In view of the bar under Section 21(4) of the MCOCA, bail cannot be granted unless the Court is satisfied that there are no reasonable grounds for believing that the accused is guilty. Since, in the present case, such grounds do exist, the prayer for bail cannot be favourably considered.

41. In view of the gravity of the offence, the active role attributed to the applicant in multiple aspects of the organized crime activities, the financial benefit alleged to have accrued to her, and the application of stringent provisions of the MCOCA, this Court is not inclined to exercise its discretion in favour of granting bail at this stage.

42. Accordingly, the bail application is rejected.

(AMIT BORKAR, J.)