



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION(BA) NO. 837 OF 2025

Rajat @ Chiku @ Tinku Sidharth Ganvir Vs. State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.C.B.Barve, counsel for the applicant.
Ms.Mrunal Barabde, APP for the State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 24/09/2025

1) The applicant is arrested in Crime No.262 of 2024 registered with Police Station Ajni district Nagpur for the offences punishable under Sections 143, 147, 148, 149, 302 and 120-B of the Indian Penal Code r/w Sections 4/25 of the Arms Act, and under Sections 3(1)(ii),3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (for short MCOCA).

2) The case of the prosecution is that on the date of the incident the deceased returned to home after his work and told his father that he is going to house of Mangesh. He went on bullet at about 11.00 pm. The father of the deceased was informed by one boy that some people are

beating to deceased near the house of Mangesh. The father of the deceased/ informant immediately went there and saw Rajat @ Lala, Kartik, Nitesh and their friend Sunanya and some other peoples holding sword, knives, and other weapons, assaulting the deceased. Mangesh and Pankaj tried to protect deceased. When the informant tried to rescue deceased, someone pushed him, and informant got fell down and when the informant got up, he saw all the accused persons ran away from the spot, the deceased had sustained several injuries on his body. They took the deceased to the medical hospital and there, he was declared dead by the doctor. The crime was registered on the complaint lodged by the first informant.

3) The learned counsel appearing for the applicant has stated that the name of this applicant is not mentioned in the First Information Report. The first informant is eye witness. He has mentioned role of the other co-accused. As he has mentioned the other unknown person, Test Identification Parade was conducted. In Test Identification Parade, the applicant was not identified by the father of the deceased. The crime is registered against this applicant on the basis of the CCTV footage of the bar 'Mercury', it is alleged that before the incident, the applicant was consuming liquor along with the accused persons.

4) The learned counsel has stated that there is no recovery. In the statement of one of the eye witness Tanmay Shende, he has mentioned the name of this applicant. The Statement was recorded on 02.05.2024. The incident took place on 25.04.2024. It was recorded after six days. The counter First Information Report is also there, wherein the crime is registered for the offence punishable under Section 307 of the Indian Penal Code. In the said First Information Report, the statement of this witness was recorded on 27.04.2024 immediately after two days. The said witness has not named this applicant in the earlier First Information Report.

5) There is discrepancy in the name of this applicant as the witnesses have mentioned as Sidharth @ Tinku. Sidhharth is the name of the father of this applicant. Mangesh the eye witness has not mentioned the name of this applicant. There are no antecedents against this applicant.

6) On 09.07.2024 MCOCA is registered against all the accused persons in this crime. The applicant has stated that this is the first crime of this applicant, his presence itself is doubtful. The applicant has relied on the order of this court in Bail Application No. 1920 of 2025 (Ajay Ashok Nagvanshi Vs. The State of Maharashtra) dated 22/08/2025, wherein this court has granted bail, though the MCOCA was

registered. In paragraph No.8 of the said order it has been observed as under:-

8. “It is settled law that grant of bail under MCOCA requires a careful consideration of the material to assess whether there is a reasonable ground for believing that the applicant is not guilty of such offence and is not likely to commit any offence while on bail. In the present case, the role attributed to the applicant appears to be only of general threats and abuses, and the main acts of violence are attributed to other accused persons. Prima facie, the case does not disclose such strong material as would justify prolonged incarceration of the applicant during the course of the trial”.

7) He has relied on the order of this Court in the matter between *Dinesh Bhondulal Baisware Vs. State of Maharashtra, through PSO reported in 2016 SCC Online Bom 4788*, wherein the observations in the case of *Ranjitsingh Brahmajeetsing Sharma Vs. State of Maharashtra reported in Air 2005 SC 2277 (1)* are considered by this Court and the bail is granted. The learned counsel for the applicant has stated that considering the role played by this applicant and as the presence was not there, the antecedents were not there, prayed to release him on bail.

8) The learned APP has opposed the application stating that this court has already rejected the bail to the co-accused, whose role is lessor than this applicant. MCOCA is registered against this applicant. The offence punishable under Section 120-B is there. The presence of the applicant in Mercury bar shows the conspiracy. The name of this applicant @ Tinku is mentioned by all the eye witnesses. There are four eye witnesses. The witnesses have stated his presence. There is bar under Section 21 of the MCOCA act to release the applicant on bail. Hence, prayed to reject the application.

9) Heard the learned counsel appearing for the applicant and the learned APP.

10) Serious offence under Section 302 is registered r/w the offence under the MCOCA Act is also registered on 09.07.2024. The eye witness, who is the father of the deceased, who has given the first information, has not mentioned the name of this applicant. He has not identified the applicant in Test Identification Parade. His presence in Mercury bar is not sufficient to connect the applicant with this crime as one of the eye witness, who has mentioned the name in his statement, which is recorded after six days has not mentioned the name of this applicant in counter FIR which was registered and the statement in the said crime.

Said statement was recorded after two days. Only because MCOCA is registered, as per section 21 of the MCOCA Act the bail cannot be rejected. While granting the bail under the MCOCA Act, careful consideration of material to assess whether there is reasonable ground for believing that the applicant is not guilty of such offence is required. In this case, the presence of applicant itself is doubtful as the father of the deceased has not mentioned his name. He has not identified the applicant. There is no recovery. There were no blood stains on his clothes moreover, antecedents were not there to connect the applicant with the leader of the gang to attract MCOCA. Hence, though the bail of co-accused is rejected, who is identified in test identification parade, the case is made out to release the applicant on bail.

11) Accordingly, I pass the following order:

- i) Criminal application is allowed.
- ii) Applicant- Rajat @ Chiku @ Tinku Sidharth Ganvir be released on bail in connection with Crime No.262 of 2024 registered with Police Station Ajni district Nagpur for the offences punishable under Sections 143, 147, 148, 149, 302 and 120-B of the Indian Penal Code r/w Sections 4/25 of the Arms Act, and under Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (for short MCOCA) on his furnishing PR.

Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.

iii] The applicant shall not enter into the village, where the witnesses are staying.

iv] The applicant shall not in any way tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall co-operate the investigation officer.

12) The Criminal Application stands **disposed of** accordingly.

13) The observations made in this application are only for grant of bail.

JUDGE