

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2065 OF 2025

Sunil Bhoir ...Applicant
Versus
State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO.4307 OF 2025
IN

CRIMINAL BAIL APPLICATION NO.2065 OF 2025

Jeetendra Ramakant Yadav ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Abhaykumar Apte, for the Applicant.
Mr. A.R. Kapadnis, APP for the Respondent - State.
Mr. Datta Mane, for the Applicant in IA/4307/2025.
API – Ganesh Kekan, Naigaon Police Station, MBVV, present.

CORAM: R. M. JOSHI, J.
RESERVED ON: 17th APRIL, 2026.
PRONOUNCED ON : 22nd APRIL, 2026.

PC:-

1. By this application, the applicant seeks bail in connection with C.R. No. I-155 of 2023 registered with Naigaon Police Station, Palghar for the offences punishable u/s 307, 386, 324, 452, 143, 147, 148, 149, 427, 504, 506 and 120(B) of Indian Penal Code, 1860 (for short “IPC”), Section 135 of the Maharashtra Police Act, 1951 and sections 4 & 25 of Arms Act, 1959 imposed and impleaded with sections 3(1) (ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1989 (for short “MCOCA”).

2. The records indicate that on June 20, 2023, an encounter occurred at the office of the informant, Mr. Jitendra Ramakant Yadav, involving a demand for ₹1 Crore related to land litigation and a claim of affiliation with the 'Gang of Sheth.' On the following day, June 21, 2023, at approximately 17:30 hours, a group of individuals arrived at the same premises. During this incident, several four-wheeled vehicles were damaged, and physical injuries were caused to the informant's legs and a head injury to his servant, Mr. Bhuvad. Consequently, C.R. No. I-155/2023 was registered at Naigaon Police Station. The Applicant was subsequently arrested on June 23, 2023, and provisions of MCOCA were later applied to the case.

3. The investigation led to the recovery of a white moped from the scene of the offence and the seizure of wooden sticks from Accused No. 4, Rohit Sontakke, under a memorandum panchnama dated June 26, 2023. Mobile phones were also seized from the applicants, however, the forensic laboratory report regarding these devices has remained pending for over one year. In terms of procedural compliance under MCOCA, the Competent Authority granted Approval under Section 23(1)(a) on August 10, 2023, followed by a sanction for prosecution under Section 23(2) by the Commissioner of Police, Mira Bhayander Vasai Virar, on September 19, 2023. The charge-sheet came to be filed against the accused.

4. The learned Counsel for the applicant has submitted that the entire identification process is a "farce" and a product of the investigating agency's imagination. It is pointed out that

while the FIR names the applicants, the informant simultaneously admitted that the assailants were masked and unknown to him at the time of the incident. Furthermore, there is a glaring discrepancy between the FIR, which alleges ten attackers, and the CCTV footage of the incident, which depicts only 4 to 5 masked individuals. It is pointed out that in respect of incident dated 20th June, 2023 NC came to be lodged, wherein there is no allegation of demand of any money by way of extortion etc. It is thus his submission that false case is sought to be made out subsequently by Informant. It is thus contended that the Applicant was not present at the scene i.e. the second motion and as such there is no evidence to connect the Applicant with this crime. It is further submitted that the Applicant has no criminal history. According to him there is no likelihood of commencement and conclusion of trial in reasonable time. On these amongst other contentions he seeks bail.

5. The learned APP appearing for the Respondent-State opposed the application contending that the present case involves a serious offense of organized crime, wherein a ransom of ₹1 Crore was demanded by invoking the name of the "Gang of Sheth" to settle land disputes. It is submitted that the incident occurred in two stages; initially through a threat on June 20, 2023, followed by a violent assault on June 21, 2023, where approximately ten individuals entered the informant's premises with their faces masked. During this assault, four-wheeled vehicles were damaged, and the informant and his servant, Mr. Bhuvad, were physically assaulted, the latter

sustaining a head injury. He referred to statements of witnesses in order to seek involvement of Applicant in the crime. Reference is made to the statements of Ankush, Shivmsingh, Yogesh Kothari, Mhatre and confessional statement of co-accused Pratik Joshi in order to argue that there is enough material on record to indicate the involvement of Applicant in this case. According to him, given the gravity of the attempt to murder and extortion, the prosecution maintains that the invocation of Sections 307 and 387 of the IPC, alongside the special provisions of the MCOCA, is fully justified.

6. Perusal of the record indicates that on the basis of this statement of Informant, offence came to be registered against the Applicant and the co-accused. The FIR indicates that on 19th June, 2023 a phone call was received by the Informant in connection with some transaction about land. On 20th June, 2023, three co-accused came to the office of the Informant and threatened him. In this regard, non-cognizable report was lodged by the Informant to the concerned police station. In the said report there is no allegation made by the Informant with regard to threats given by those persons in respect of any transaction of land. Thereafter, on 21st June, 2023 another incident occurred, in which the persons named in the FIR came to the office of the Informant and caused assault on the Informant and witnesses. They demanded Rs.2 crores from the Informant. Damage was caused to the vehicles as well as the property.

7. Insofar as the present Applicant is concerned, in the FIR there is no reference with regard to presence of the

Applicant at the time of occurrence of both the incidents. In order to attribute the said presence, the prosecution relies upon the statements of Ankush, Shivamsing and Harish Patil, who claim presence of the Applicant on 20th June, 2023. Similarly, reference is made to the confessional statement of the co-accused Pratik Joshi, recorded before the authority under the MCOC Act. *Prima facie* perusal of the record does not indicate the presence of the Applicant at the spot on 21st June, 2023, in which the assault came to be caused on the Informant and witnesses so also damage is caused to the property.

8. The prosecution seeks to place reliance on the statement of Mhatre who said to have interest in the land which is purchased by the Informant from its erstwhile owner. Referring to the said statement it is sought to be argued that it is the present Applicant who has introduced him to the co-accused for the purpose of recovery of the money from the Informant.

9. Now question arises as to whether even accepting the case of these witnesses to be true, the Applicant can be said to be the member of the gang of co-accused in order to invoke provisions of MCOC Act against him. As recorded earlier, involvement of the Applicant is not seen in the crime or the incident which took place on 21st June, 2023. As far as the presence of the Applicant at the spot on 20th June, 2023 is concerned, there is no specific evidence on record to indicate the presence of the Applicant and his participation in the crime in question. The statement of co-accused Pratik only states about Applicant accompanying the co-accused in their vehicle,

but states nothing further, even presence of applicant at spot. It would not be sufficient for the prosecution to have such evidence in order to connect the Applicant with the incident in question.

10. This is more so in view of the fact that at the first instance, NCR was reported to the concerned police station with regard to the incident occurred on 20th June, 2023. In the said NCR, reference is made about presence of three persons only. It is by way of recording subsequent statement the involvement of the Applicant and other accused is sought in the crime. Even if it is accepted for the sake argument that initially the Informant did not lodge the report of the incident as it occurred, it is a matter of fact that there is a discrepancy in the report in respect of the persons involved in the first incident.

11. The case of prosecution that Applicant has approached Harishchandra Mhatre for helping him to recover money by itself would not make him part of the gang/crime syndicate. This observation is inevitable in view of the fact that, there is absolutely nothing on record to show that the co-accused approached to the Informant in connection with the said land. There is nothing on record to hold that the land which was sought to be referred by the Mhatre was the matter of dispute between the parties. There are no statements indicating any amount being sought by accused for and on behalf of Mhatre.

12. Admittedly, the Applicant has no criminal history and this is the first crime registered against him. In order to

apply provisions of MCOC Act, *prima facie* there must be evidence to indicate that the Applicant is a member of the organized crime syndicate and has participated in the crime in question. On both counts, there is no *prima facie* satisfactory/sufficient evidence on record. In fact, the statements recorded during the course of investigation i.e. statement of 20th June, 2023 and subsequent statement are inconsistent with regard to the role of the present Applicant. It is also necessary to take note of the fact that the First Informant has given details and names of all persons who participated in the said assault on 21st June, 2023. He does not give specific name of Applicant to be one of the persons at the time of incident on 20th June, 2023.

13. In such circumstances, when there is no clear cut evidence in order to show that Applicant is the member of the organized crime syndicate, and in view of the fact that he has no criminal history, he is entitled to bail. The Applicant is in jail since 2023. In view of Section 21(4) of the MCOC Act, this Court has no reason to believe that the Applicant has committed the offence and considering his past clean record, there is no likelihood that he would commit the offence if enlarged on bail. Hence, following order.

ORDER

- i) The Bail Application stands allowed.
- ii) In connection with C.R. No. I-155 of 2023 registered with Naigaon Police Station, the Applicant be enlarged on bail on

furnishing PR Bond of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.

iii) The Applicant to attend proceedings before the Trial Court unless exempted.

iv) The Applicant is directed to attend the concerned police station as and when called for by the Investigating Officer.

14. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(R. M. JOSHI, J.)