



2026:DHC:1956



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: February 18, 2026

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Pronounced on: March 10, 2026

+ **BAIL APPLN. 3374/2025**

MANOJ @ MORKHERI

....Applicant

Through: Mr. Sumeet Singh Shokeen, Mr. Bijender Kumar, Mr. Deepesh Shokeen and Mr. Nikhil Yadav, Advocates

Versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar and Ms. Meenakshi Dahiya, APPs with Ms. Upasna Bakshi and Ms. Divya Bakshi, Advocates. Inspector Sandeep Tushir, NR-II, Crime Branch.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. By virtue of the present bail application under *Section 483* read with *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks regular bail in proceedings arising from FIR No.55/2016 dated 19.04.2016 registered at PS.: Crime Branch, Delhi under *Sections 3(1)/3(4)/3(5)* of the Maharashtra Control of Organised Crime Act, 1999 (**MCOCA**).

2. As per FIR, since 2003, the applicant and his associates, who are part

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of a structured and well-organised crime syndicate, have been continuously involved in organized criminal activities across Delhi NCR and adjoining States. The syndicate operates as a structured and coordinated crime syndicate, planning crimes meticulously, assigning defined roles to members and executing operations in an organized manner, thereby creating widespread fear among the public in the region.

3. In view of the aforesaid sustained and continuing criminal activities, the present FIR came to be registered pursuant to a proposal seeking prior approval under *Section 23(1)(a)* of MCOCA, wherein it is alleged that the applicant, acting in concert with his associates, ever since the year 2003, has been engaged in “*continuing unlawful activity*” and “*organised crime*” within the meaning of *Section 2(1)(d)* and *Section 2(1)(e)* of MCOCA respectively and the group constitutes an “*organised crime syndicate*” under *Section 2(1)(f)* of MCOCA. Multiple FIRs have been registered against the applicant and his associates under the provisions including *Sections 302, 364A, 384* of the Indian Penal Code, 1860 as also the Arms Act, 1959 involving heinous offences and serious crimes.

4. Mr. Sumeet Singh Shokeen, learned counsel for the applicant submitted that the applicant is falsely implicated herein as he has no connection either with the alleged offences or with the other accused persons therein. Further, the essential ingredients for invocation of the MCOCA are not satisfied. Since the investigation has already been completed and chargesheet also filed which does not disclose any material of the applicant deriving any pecuniary benefit from the alleged activities and charges have



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also been framed, continued custody of the applicant is unwarranted. Also, the applicant has remained in judicial custody for more than *nine (9)* years and *ten (10)* months as on date. The trial is presently at the stage of prosecution evidence, wherein out of 88 cited witnesses, only 34 have been examined so far, and none of them has made any incriminating statement against the applicant. In any event, the primary witness, Mr. Manoj Maan (*PW10*), as per prosecution, has already been examined and discharged. Lastly, 9 out of 11 co-accused persons, all have been granted regular bail vide separate orders, hence, on the principal of parity, the applicant may also be released on bail.

5. *Per contra*, Mr. Satish Kumar learned APP for the State relying upon the Status Report, submitted that the allegations levelled against the applicant are grave and serious, and involving MCOCA, a special legislation enacted to effectively curb the menace of organised crime syndicates. The applicant has a past criminal record clearly reflecting his involvement in serious offences and establishing him as a habitual and hardened offender. The applicant had earlier absconded for nearly *four (4)* years after being released on bail in July 2008, and during that period, he also committed murder of a retired Inspector of Haryana Police. Lastly, considering his criminal antecedents i.e. *three (3)* convictions, one under *Section 302* of IPC; *five (5)* pending trial, past conduct and his alleged role as the kingpin of the organised crime syndicate, the principle of parity sought to be relied upon is wholly untenable as the applicant and the co-accused stand on different footings.

6. Heard learned counsel for the parties and perused the documents on



record.

7. Since, the present FIR is involving the provisions of MCOCA, this Court has to take due note of *Section 21(4)(b)* of MCOCA¹, which lays down stringent conditions for grant of bail, and wherein before granting bail, the Court must be satisfied *firstly* that there exist “*reasonable grounds*” to believe that the accused is not guilty of the alleged offence, as also, *secondly* that he is not “*likely to commit any offence*” while on bail. Therefore, bails under MCOCA constitute a higher threshold than those under normal criminal Statute(s).

8. The applicant herein has been identified as the kingpin of the organised crime syndicate, who has been active in committing more than one offences, and that too of grievous nature. Not only that, he is involved in various FIRs with convictions in as many as *three* of them and pendency in as many as *five* more of them. Further, on being granted bail once before, not only was the applicant untraceable for nearly *four years* but committed further serious offence(s) during that time as well.

9. Considering the gravity and seriousness of heinous offences levelled against the applicant and his past conduct and repeated involvements, there exists a reasonable apprehension that, if released on bail, the applicant may again evade the process of law, commit further offences, influence witnesses

¹ (4) Notwithstanding anything contained in the Code, no person accused of an offence punishable under this Act shall, if in custody, be released on bail or on his own bond, unless-

x x x

(b) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.



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thereby jeopardizing the well-being of the community and pose a significant and demonstrable threat to public safety. Under such circumstances, the other factors like the period undergone, the ground of parity as 9 of 11 co-accused have already been released on bail although carry weight, but pale into insignificance. Moreover, this Court does not intend to treat the present matter as a mere numerical comparison of years spent in custody and outcome of bail application(s) of the co-accused. Reliance is placed upon *State through CBI vs. Amaramani Tripathi*²; *Ash Mohammad vs. Shiv Raj Singh @ Lalla Bahu & Anr.*³; *Neeru Yadav vs. State of UP*⁴ and *Prahlad Singh Bhati vs. NCT of Delhi & Anr.*⁵.

10. Considering the overall facts and circumstances and the legal position enumerated hereinabove, this Court is not inclined to record its satisfaction contemplated under *Section 21(4)(b)* of MCOCA in favour of the applicant.

11. Accordingly, the present application is dismissed.

12. Needless to say, since expressions of opinion, if any, are for the purposes of adjudicating the present application only, they shall have no bearing on the overall merits/ trial involved in the matter.

SAURABH BANERJEE, J

MARCH 10, 2026/So/DA

² 2005 (8) SCC 21

³ (2012) 9 SCC 446

⁴ (2014) 16 SCC 508

⁵ (2001) 4 SCC 280

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