

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1868 of 2008
[arising out of SLP(Crl.) No.5451 of 2007]

Manoj Ramesh Mehta	Vs.	 Appellant
State of Maharashtra		 Respondent

J U D G M E N T

R.V. RAVEENDRAN, J.

Leave granted. Heard parties.

2. The appellant is Accused No.42 in Special Case No.2/2003, on the file of Special Judge, MCOCA, Pune, arising from CR No.135/2002, Bund Garden Police Station, Pune. He challenges the order dated 23.1.2007 passed by the High Court of Bombay in Criminal Application No.1795 of 2006, rejecting his application for bail.

3. The appellant was arrested on 11.6.2003 in connection with an FIR relating to counterfeiting stamps/stamp papers (Telgi case) for offences

under sections 120(B), 255, 34, 109 of IPC read with sections 3(1)(ii), 3(2), 3(5) and section 4 of Maharashtra Control of Organized Crimes Act, 1999 [‘MCOCA Act’ for short]. The appellant alleges that an FIR was registered on 7.6.2002 and a charge-sheet was filed on 3.9.2002; that the charges framed were set aside by the High Court with a direction to frame fresh charges; that a fresh charge-sheet was filed on 15.9.2003; that the prosecution has cited eight hundred witnesses; that among the 68 accused, two have died, one has absconded, four have been discharged, 43 have been convicted on admission of guilt under section 229 Cr.P.C and the remaining 18 are facing trial; and that there is no likelihood of an early completion of trial.

4. The appellant sought bail. He submitted that role attributed to him was limited to alleged helping and assisting of Abdul Karim L.Telgi in his legitimate business carried on under the name and style of ‘Metro Corporation’ by booking consignments which were imported through State Trading Corporation; and that he was not a member of any organized crime syndicate nor was in any way involved in the fake stamp scam of A.K.L. Telgi. The appellant contends that even if the prosecution case was accepted in entirety, it will not be sufficient to infer any abetment or facilitation with knowledge; that the case against him is not one of direct involvement but

only a peripheral involvement for which the maximum punishment would be three years; and that he has spent a far longer period in jail, having been arrested in June, 2003. He therefore contends that the High Court ought to have released him on bail. He referred to the statements of various witnesses viz., Rasna Bhomi, Ankleshria, Suarna, N.M. Nagrani, and R.M. Bhojawar, to support his contention that what was attributed to him was nothing more than a good business relationship and legitimate financial transactions with A.K.L. Telgi and there was nothing to infer that he committed an offence of organized crime or to show that he was a member of the organized crime syndicate of A.K.L.Telgi or that he abetted or knowingly facilitated the commission of an organized crime. He also submitted that there is no likelihood of the trial being completed in the near future and he has been in jail for a period more than the period for which he could be sentenced for his alleged involvement.

5. On the other hand, learned counsel for CBI pointed out that the association of appellant with A.K.L. Telgi was not merely with the legitimate business front of A.K.L.Telgi; that the material showed that he was an active participant in managing the affairs of Telgi in relation to his organized crime syndicate, in particular the court litigation; that when a FIR

was filed on 7.6.2002, the appellant secured cash from A.K.L. Telgi's operators and tried to get the case closed; and that the material collected clearly showed his part in the conspiracy relating to money-laundering and interference with the course of justice, as part of working of an organized crime syndicate; and that he had abetted or knowingly facilitated the commission of any organized crime.

6. Having examined the material, it is not possible for us to accept the claim that the involvement of appellant was only peripheral. The High Court on examination of the material was satisfied that a prima facie case has been made out under section 3(2) of MCOC Act. The material prima facie shows that though he was not directly connected with the printing and selling of the fake stamps, he was associated with A.K.L.Telgi and had abetted and facilitated the commission of the organized crime, and he had also aided and assisted in the money-laundering operations and attempted to interfere with the witnesses on behalf of A.K.L. Telgi and his family members. There is also prima facie material to show that the payment for the purchase of printing machine for Telgi's illegitimate activities, was routed through the appellant. Under section 3(2) of MCOC Act, the minimum sentence is five years and the maximum can be imprisonment for

life. In the circumstances, we feel that this is not a fit case for interference with the order of the High Court, particularly, having regard to the provisions of section 21(4) of MCOC Act.

7. The High Court has considered the matter in detail and has rightly concluded that this is not a fit case for granting bail. Accordingly the appeal is dismissed.

.....CJI
[K. G. Balakrishnan]

.....J
[R. V. Raveendran]

.....J
[Mukundakam Sharma]

New Delhi;
November 25, 2008.