



\* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 26<sup>th</sup> November, 2025.

Pronounced on: 6<sup>th</sup> January, 2026.

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+ CRL.A. 1543/2025 & CRL.M.A. 32856/2025

ANURADHA @ CHIKU .....Appellant

Through: Mr. Kundan Kumar, Mr. Madan  
Kumar Jha, Mr. Pranshu Kumar,  
Ms. Mahima Choudhary, Advocates.

versus

STATE (NCT OF DELHI) .....Respondent

Through: Mr. Aman Usman, APP for State.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

### **JUDGMENT**

#### **SANJEEV NARULA, J.:**

1. This appeal under Section 12 of the Maharashtra Control of Organised Crime Act, 1999<sup>1</sup> assails order dated 31<sup>st</sup> October, 2025 passed by the ASJ-03 (North-West) Rohini Courts, rejecting the Appellant's bail application and seeks her release on bail.

2. The prosecution case, in brief, is as follows.

2.1. On 10<sup>th</sup> March, 2025, police received secret information that one Amit, son of Surender, resident of Sultanpuri, Delhi, aged about 25-27 years, along with his mother Kusum, had set up an organised operation for trafficking narcotic substances in and around Sultanpuri and Mangolpuri. It was further conveyed that multiple CCTV cameras had been installed

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<sup>1</sup> "MCOCA"



around his house and the adjoining narrow alley, with iron gates placed at both ends of the alley, in order to obstruct law enforcement. The information also suggested that Amit would be travelling around 4:30 PM-5:30 PM in a black Mahindra Scorpio bearing Registration No. DL 8CBA 4642 from Mangolpuri Flyover towards his house and if intercepted, could be apprehended with contraband. Acting on this information, a raid was conducted at the house, which resulted in recovery of 385.53 grams (gross weight of packed material, in multiple small plastic packets) heroin, and 47.09 grams of tramadol. Based on this, FIR No. 186/2025 dated 11<sup>th</sup> March, 2025 was registered at P.S. Sultanpuri under Sections 21(c), 22(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985<sup>2</sup> and Section 111 of the Bharatiya Nyaya Sanhita, 2023.<sup>3</sup>

2.2. Prosecution alleges that during police custody remand, co-accused Amit disclosed that he, along with his mother Kusum and his sisters Deepa and Anuradha (the Appellant), ran a drug syndicate and facilitated trafficking as well as concealment of narcotic substances. It was further alleged that Kusum, Deepa and the Appellant were beneficiaries of the proceeds received from the syndicate. The prosecution also claims recovery of cash and jewellery from a locker/residential premises at the instance of co-accused Amit.

2.3. During police custody remand, the prosecution effected recoveries and seizures from multiple premises stated to be associated with Kusum and the family. The seized articles are described as comprising cash and valuables, certain electronic devices and equipment linked to CCTV

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<sup>2</sup> "NDPS Act"

<sup>3</sup> "BNS"



surveillance, and other items such as a motorcycle and a vehicle key, along with documents pertaining to certain properties. The prosecution case is that these recoveries, including reference to a flat at Rohini, point to accumulation of assets and articles from proceeds of illicit trafficking.

2.4. During investigation, the Scorpio vehicle used by co-accused Amit (Mahindra Scorpio No. DL 8CBA 4642) was seized. The prosecution also points to substantial cash deposits and UPI-linked inflows in the accounts of the Appellant and the co-accused, during 2022 to 2025, said to be disproportionate to any disclosed lawful source and relied upon as indicative of proceeds from illicit trafficking.

2.5. A charge-sheet dated 9<sup>th</sup> May, 2025 was filed before the NDPS Court against co-accused Amit for offences under the NDPS Act, the BNS and the Drugs and Cosmetics Act, 1940, with the investigation stated to be continuing in respect of other alleged members of the syndicate.

2.6. At the stage of framing of charge, the Trial Court recorded that the prosecution initially proceeded on the footing of “commercial quantity” of the contraband. However, on re-assessment during proceedings under Section 52A of the NDPS Act, the quantity did not meet the commercial threshold. The Court, therefore, framed charge under Section 21(b) of the NDPS Act, to which the accused pleaded not guilty and claimed trial.

2.7. Co-accused Amit was granted regular bail by the Trial Court, whereas the Appellant and co-accused Deepa were granted pre-arrest bail. However, subsequently, orders granting pre-arrest bail were set aside by this Court.

2.8. Thereafter, on the basis of a proposal highlighting the previous criminal antecedents of the syndicate and the continuous involvement in drug-related offences, the competent authority granted approval for



invocation of Sections 3 and 4 of the MCOCA Act.

2.9. The Appellant then approached the MCOCA Court seeking regular bail, which came to be dismissed by the impugned order.

3. Aggrieved, the Appellant has preferred the instant appeal, seeking bail. Mr. Kundan Kumar, counsel representing him, presses the following grounds:

3.1. Anticipatory bail was granted to the Appellant by order dated 13<sup>th</sup> June, 2025, covering the allegations under Section 111 of the BNS (organised crime) as well as offences under Sections 21/25/29 of the NDPS Act.

3.2. After filing of the charge-sheet and framing of charges, invocation of MCOCA proceeded without obtaining prior permission of the Court as contemplated under Section 193 of the BNSS.

3.3. Invocation of Sections 3 and 4 of MCOCA demonstrates a colourable exercise of power aimed at the Appellant's family, rather than one founded on satisfaction of the statutory preconditions.

3.4. The approval order rests on six FIRs, five against the Appellant's mother and the present FIR against the Appellant. None of the earlier charge-sheets attribute the offences to an "organised crime syndicate" or alleges commission "as a member of" such syndicate or "on behalf of" such syndicate. The foundational requirement of "continuing unlawful activity" under Section 2(1)(d) of MCOCA is therefore, lacking. The record is also bereft of material demonstrating an organised structure, hierarchy, leadership, or operational linkage connecting the Appellant to an organised crime syndicate, which is the *sine qua non* for invocation of MCOCA. Reliance is placed on the decisions of the Bombay High Court in *Prafulla &*



***Ors. v. State of Maharashtra<sup>4</sup> and State of Maharashtra v. Rahul Ramchandra Taru.<sup>5</sup>***

3.5. In the absence of the statutory prerequisite under Section 2(1)(d), the approval dated 25<sup>th</sup> August, 2025 and the consequential invocation of the provisions of the MCOCA are without sanction of law. This approval order rests on misleading and non-existent facts, with particular focus on the penultimate paragraph, which records conclusions unsupported by the case record and reflects non-application of mind at the level of the Competent Authority.

3.6. The financial trail relied upon by the prosecution is speculative and unfounded. First, the Kotak Mahindra Bank account in the Appellant's name allegedly reflects credits aggregating about ₹71,00,000/- over approximately 28 months, yet the prosecution has not collected any evidence to connect these credits with the alleged heroin trade. Second, the account in the name of "Ankush Tukaramji Bhowate" has no nexus with the Appellant. The Appellant's explanation that the inflows were related to "online gaming" has not been examined, with no enquiry undertaken to verify or rule out that explanation.

3.7. The case against the Appellant rests substantially on disclosure statements of co-accused; however, such material cannot carry the prosecution case, in light of the decision of the Supreme Court in ***Tofan Singh v. State of Tamil Nadu.<sup>6</sup>***

3.8. Since the recovery was held, at the stage of framing of charge, to be

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<sup>4</sup> Criminal Appeals Nos. 664, 665, 717 of 2002 and 86, 89, 93 and 215/2003, decided on 18<sup>th</sup> November, 2008.

<sup>5</sup> Criminal Appeal No. 239 of 2011, decided on 6<sup>th</sup> May, 2011.

<sup>6</sup> (2021) 4 SCC 1.



below “commercial quantity”, the rigour of Section 37 of the NDPS Act is inapplicable.

3.9. MCOCA, as a special statute, is intended for organised crime syndicates operating through violence, threat, intimidation or other unlawful means for pecuniary gain. The present prosecution, does not disclose those essential features.

3.10. No prior criminal antecedents or convictions are attributed to the Appellant. The mere existence of pending cases against family members, without any independent material linking the Appellant, cannot constitute a valid basis for invoking the provisions of the MCOCA against her.

3.11. The impugned order proceeds on an erroneous application of Section 21(4) of MCOCA. The record discloses reasonable grounds to believe that the Appellant is not guilty and that she is unlikely to commit any offence while on bail.

3.12. Co-accused Amit stands charged under Section 21(b) of the NDPS Act and has been granted regular bail. Parity is claimed on that footing.

4. *Per contra*, Mr. Aman Usman, APP for the State, supports the impugned order and opposes bail on the following grounds:

4.1. The appeal is confined to Section 12 of MCOCA. The challenge before this Court, therefore, must be tested within the limited contours of appellate interference, namely whether the impugned order suffers from perversity or patent illegality.

4.2. The Trial Court has already examined the objections pertaining to maintainability and rejected them by a reasoned discussion (recorded in Paragraph Nos. 19 to 21 of the impugned order). This determination is founded on cogent and sound reasoning and, therefore, warrants no



interference by this Court.

4.3. The argument that the Appellant's name does not appear in the initial proposal, or that she has no prior involvement, is misplaced. MCOCA is invoked against the "organised crime syndicate" as an entity. Individual roles emerge during investigation. Reliance is placed on the decision in *Zakir Abdul Mirajkar v. State of Maharashtra*,<sup>7</sup> where the Supreme Court observed that an approval under Section 23(1)(a) "need not name every accused person at the outset", since the provision concerns recording information about the commission of organised crime, not an exhaustive list of offenders.

4.4. On facts, the Appellant is projected as an active syndicate member performing the role of a financial handler, dealing with proceeds and ill-gotten wealth. The statutory requirement of multiple charge-sheets within the preceding ten years attaches to the syndicate and not to each member. Five NDPS cases exist against the syndicate allegedly run by co-accused and absconder Kusum, and cognisance has been taken in more than one charge-sheet within the preceding ten years, meeting the threshold.

4.5. The antecedent history attributed to Kusum, includes two convictions:

- (i) FIR No. 57/2006, P.S. Narcotics Branch, resulting in conviction dated 5<sup>th</sup> December, 2009 under Section 21(b) of the NDPS Act; and
- (ii) FIR No. 11/2012, P.S. Crime Branch, resulting in conviction dated 20<sup>th</sup> January, 2015 under Section 21(c) of the NDPS Act.

4.6. The seizure in the present case has been effected from the dwelling house associated with Kusum and the Appellant, in the presence of co-accused Amit, which, furnishes the syndicate linkage. Reliance is also



placed on financial material to show substantial unexplained inflows in the Appellant's bank account, exceeding a crore, reflected across multiple dates and tranches, with no lawful source of income commensurate with such deposits.

4.7. Four protected witnesses, examined under Section 164 of the Code of Criminal Procedure, 1973<sup>8</sup> (now Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023<sup>9</sup>), have attributed a role to the Appellant in handling and routing cash proceeds from sale of smack into bank deposits. One protected witness claimed that, after registration of the case, the Appellant concealed her Fortuner vehicle.

4.8. Reliance is also placed on confessional statements of co-accused Ravi @ Sunny and Hari Om recorded under Section 18 of MCOCA, which are admissible under the special statute, and reinforce the Appellant's role as a financial handler within the organised drug nexus.

4.9. The objection founded on Section 193 BNSS is opposed on the footing that the chargesheet filed against co-accused Amit itself recorded that investigation concerning associates was ongoing. On this construction, the investigation was never treated as closed. Requirement of leave under Section 193 BNSS is attracted where, after completion of investigation and taking of cognizance, and during trial, the investigating agency seeks to recommence further investigation on its own. Reliance is placed on *Vinubhai Haribhai Malaviya v. State of Gujarat*.<sup>10</sup>

4.10. The Appellant fails the statutory test under Section 21(4) of MCOCA.

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<sup>7</sup> (2023) 20 SCC 408.

<sup>8</sup> "Cr.P.C."

<sup>9</sup> "BNSS"

<sup>10</sup> (2019) 17 SCC 1.



The record demonstrates substantial material indicating active involvement, including protected witness statements, Section 18 confessions, and corroborative financial and documentary evidence. The apprehension of influencing witnesses, with reliance placed on the statement of protected witness “A” regarding likelihood of intimidation or interference if the Appellant is released, is genuine and real. In these circumstances, the twin conditions for bail under MCOCA are not satisfied and the impugned order warrants no interference.

### **Analysis**

5. Bail under MCOCA stands on a distinct footing. Section 21(4) of the Act imposes twin conditions: the material on record must disclose reasonable grounds for believing that the accused is not guilty of the offence alleged, and that the accused is not likely to commit any offence while on bail. The Supreme Court has consistently treated this threshold as exacting, and qualitatively different from the ordinary discretion that governs bail under the general law.

6. Set against the rigour of Section 21(4), the Appellant’s contentions can be grouped under three heads: (i) maintainability and very invocation of MCOCA, including the lack of fulfilment of “continuing unlawful activity” and the approval order, (ii) the challenge founded on Section 193 BNSS, and (iii) the bail merits under Section 21(4), including the attack on admissibility of material and the plea of parity.

#### *Challenge to invocation of MCOCA and “continuing unlawful activity”*

7. The objection that the Appellant was not named in the initial proposal, coupled with the plea of absence of antecedents, cannot, without more, render the invocation of MCOCA invalid. The Supreme Court in *Zakir*



**Abdul Mirajkar** has clarified that an approval under Section 23(1)(a) “need not name every accused person at the outset”, since the information recorded is about the commission of organised crime, and the identity and roles of other participants may surface in investigation. The statute targets organised crime carried out by an organised crime syndicate. Individual participation is then assessed on the material collected.<sup>11</sup>

8. The second limb of the same argument is that the statutory requirement of “more than one charge-sheet” in the preceding ten years must be satisfied *qua* the Appellant individually. That submission does not accord with the settled position. **Zakir Abdul Mirajkar** holds that the requirement attaches to the organised crime syndicate and not to each individual alleged to be a member. In the present case, the prosecution case, as noted by the Trial Court, is that the organised crime syndicate is being operated by the Appellant’s mother, Kusum, and that multiple NDPS cases have been registered against the said syndicate, with cognisance taken in more than one charge-sheet within the relevant statutory period. At this stage, it is not decisive whether every earlier charge-sheet employs the precise expression “organised crime syndicate”. The inquiry is whether the material on record viewed *prima facie*, satisfies the statutory ingredients, with the prior cases supplying the predicate pattern of “continuing unlawful activity”.

9. Reliance on Bombay High Court decision in **Suraj Laxman Gade v. State of Maharashtra**<sup>12</sup> does not carry the Appellant far. There the Court granted bail as the accused was, *prima facie*, implicated only in a solitary offence, was not shown to be acting in concert with the alleged gang leader,

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<sup>11</sup> See also: Vinod G. Asrani v. State of Maharashtra, (2007) 3 SCC 633.

<sup>12</sup> BAIL APPLN NO. 445/2020, decided on 13<sup>th</sup> July, 2021.



and the material did not disclose the essential features of an operative organised crime syndicate. The present case stands on a materially different plane. The prosecution attributes to the Appellant a continuing role within a family-run syndicate, supported *prima facie* by the financial trail, protected-witness statements and the Section 18 confession. The cited decision is, therefore, distinguishable on facts.

10. The Appellant's reliance on decisions suggesting that earlier charge-sheets "without syndicate linkage" cannot be counted for Section 2(1)(d) may require scrutiny at the appropriate stage where the legality of invocation, approval, sanction and the statutory ingredients is examined on a complete record. At this stage, the inquiry is narrower. Unless the invocation is shown to be *ex facie* barred, a detailed evaluation of the adequacy of predicate cases would inevitably drift into a mini-trial. The multiple prior cases attributed to the projected syndicate within the statutory window satisfies the threshold for the limited purpose of deciding bail.

11. The Appellant's plea of *mala fides* and "settling scores" is not founded on any tangible material. Bail adjudication does not proceed on conjecture about motive. Where the record discloses independent material supporting the prosecution version, allegations of vendetta do not dislodge the statutory bar.

12. Further, the attack on the approval dated 25<sup>th</sup> August, 2025 as reflecting non-application of mind and reliance on "non-existent facts" is also, at this stage, insufficient to cross the threshold of interference. The order of approval is not being tested here as though the Court is exercising writ review. The pertinent question is whether the Trial Court's reliance on the existence of an approval and the 'continuing unlawful activity' material



is so plainly untenable that the bail rejection becomes perverse. The impugned order does not show such perversity.

*Section 193 BNSS objection*

13. The Appellant argues that once the charge-sheet was filed and charges were framed against co-accused Amit, the investigating agency could not proceed further under MCOCA without first securing leave under Section 193 of the BNSS. The State responds that the charge-sheet itself recorded continuing investigation *qua* associates and that what followed is further investigation within the statutory framework.

14. The legal position admits little doubt. The Supreme Court, in *Hasanbhai Valibhai Qureshi v. State of Gujarat*,<sup>13</sup> recognises that further investigation under Section 173(8) Cr.P.C. can be undertaken even after cognisance has been taken on an earlier police report, the object being to reach the truth and do real and substantial as well as effective justice. Further, in *Vinubhai Haribhai Malaviya*, the Supreme Court held that further investigation even after cognisance is within the statutory scheme, to ensure a fair and complete investigation. The BNSS carries the same principle in Section 193(9), while adding a calibrated control: “further investigation during the trial” requires permission of the Court trying the case. On the present record, the prosecution maintains that the MCOCA investigation into the wider network and the financial trail is still unfolding and had not reached the stage where the proviso is triggered.

15. In any event, a grievance about the mode or timing of further investigation is to be tested in accordance with law at the appropriate stage. It does not, by itself, satisfy the stringent threshold of Section 21(4) of



MCOCA. To translate such a procedural objection into bail, the Appellant must show an infirmity so fundamental that it strikes at the root of the prosecution case at the threshold. The present record does not disclose any such fatality.

*Bail merits under Section 21(4) MCOCA*

16. The crucial question remains thus: whether the record yields reasonable grounds to believe that the Appellant is not guilty of the offences alleged under MCOCA and that she is unlikely to commit any offence while on bail. It is trite that, at the stage of considering bail, the Court is not expected to undertake a detailed or exhaustive appraisal of the evidence, as such an exercise would verge upon a mini-trial. Nonetheless, where the very foundation of the prosecution rests on the Appellant's alleged role within an organised crime syndicate, a calibrated scrutiny is unavoidable. The record must, therefore, be examined to the limited extent necessary to apply Section 21(4) and to test whether the Appellant can cross the statutory threshold.

17. The case against the Appellant, at this stage, is sought to be made out through several pieces of evidence collected during investigation. First, the recovery of psychotropic substances is stated to have been effected at the instance of co-accused Amit from the dwelling house associated with the Appellant and Kusum. That circumstance supplies, at the least, a *prima facie* connective thread between the Appellant's premises and the alleged syndicate activity. The prosecution also points to pecuniary benefit flowing from the enterprise, including proceeds said to be routed to the Appellant and reference to rental income from a shop in Sultanpuri standing in the name of Kusum.

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<sup>13</sup> (2004) 5 SCC 347.



18. Second, the material on record reflects substantial and repeated cash and IMPS deposits in the Appellant's bank account across different dates and tranches, stated to aggregate to a significant amount, with no commensurate lawful source disclosed. One independent witness, 'HR', in his statement recorded under Section 183 BNSS, claimed that the Appellant requested him to deposit large sums of cash into his account and thereafter transfer the same to her account, stating that approximately ₹25-26 lakhs were routed in this manner. He further alleged that upon his refusal to continue, the Appellant threatened to falsely implicate him. Another witness alleged that the Appellant was engaged in the supply of smack and had asked him to conceal a Fortuner vehicle, stated to be part of the proceeds of crime. Additional witnesses have similarly alleged that the Appellant and her family were involved in the sale of smack and that they had deposited several lakhs of rupees into the bank accounts of the Appellant and her family members, which deposits are stated to be corroborated by UPI transaction records.

19. Third, reliance has been placed on the confessional statement of co-accused Ravi @ Sunny recorded under Section 18 of the MCOCA, wherein the Appellant and co-accused Deepa are alleged to have facilitated the routing of ill-gotten cash through their bank accounts. Co-accused Hariom, brother of Kusum, is also stated to have disclosed his association with the Appellant's family and their involvement in the sale of smack, admitting to having deposited cash into his bank account and transferring the same to the accused. He further disclosed that Kusum had purchased a property for ₹20,00,000/- from proceeds generated through the sale of narcotics, *prima facie*, satisfying the requirement of pecuniary gain and economic advantage



under the definition of organised crime.

20. Fourth, the impugned order records alleged non-cooperation by the Appellant during police custody remand in relation to banking transactions, coupled with an apprehension of witness influence and evidence tampering. The prosecution has also pointed out that the Appellant remained absconding for a period, leading to the issuance of non-bailable warrants against her.

21. The Appellant seeks to discredit this material by characterising it as nothing more than co-accused disclosures, and by invoking *Tofan Singh*. That decision, however, concerns confessions recorded under Section 67 of the NDPS Act and the consequent bar on using such confessions when recorded by officers treated as “police officers” for the purposes of Section 25 of the Evidence Act. The present prosecution, however, is not pitched on disclosures alone. It relies, in express terms, on protected witness statements recorded before a Court under Section 183 of the BNSS, and on a confessional statement recorded under Section 18 of MCOCA. Both rest on a distinct statutory footing. *Zakir Abdul Mirajkar* also recognises the evidentiary regime contemplated by MCOCA in relation to Section 18 confessions. The weight and eventual admissibility of such material will, no doubt, be examined at trial in accordance with law. At the bail stage, however, the Court cannot treat *Tofan Singh* as an all-purpose answer that eclipses the statutory framework under which the prosecution has placed this material on record.

22. The Appellant also draws attention to the NDPS Court having treated the recovery as “intermediate quantity”, resulting in framing of charge under Section 21(b) of the NDPS Act, and contends that the embargo under



Section 37 NDPS is therefore inapplicable. Even assuming that position, it does not answer the present application. The restriction under MCOCA is independent and more exacting. Once MCOCA is invoked and the prosecution places *prima facie* material indicating organised crime activity, bail must be tested on the twin conditions in Section 21(4), and not on the absence of the NDPS embargo.

23. The plea of parity with co-accused Amit is equally unavailing. Parity is not a rule of thumb. The prosecution attributes to the Appellant a distinct role as a financial handler, supported, *prima facie*, by the protected witness material, the Section 18 confessions and the financial trail. Co-accused Amit is stated to have been granted bail prior to invocation of MCOCA. The Appellant, by contrast, must surmount the rigours of Section 21(4). The comparative roles, the nature of material, and the governing statutory bar, therefore, displace the parity argument.

24. The Appellant's explanation about "online gaming" and the contention that the deposits lack a direct nexus with narcotics proceeds may bear on the final appraisal. At this stage, however, the enquiry is narrower: whether the material on record furnishes reasonable grounds to believe that the Appellant is not guilty. On the prosecution case as it stands, the pattern of unexplained inflows, the protected witness account of cash being routed for online transfers, and the Section 18 confession relied upon by the investigating agency cohere into a *prima facie* narrative that does not permit the Court to record the satisfaction mandated by Section 21(4) in the Appellant's favour.

25. The prosecution's apprehension of influencing witnesses and tampering cannot be treated as a mere incantation. In prosecutions of this



nature, where the evidentiary chain depends significantly on witnesses connected with deposits, transfers, and the flow of proceeds, the prosecution's concern that release may obstruct the investigation and the fair progress of the case is not without substance.

26. Lastly, the Appellant's reliance on the decision of the Bombay High Court in *Dinesh Bhondulal Baisware v. State of Maharashtra*<sup>14</sup> is equally misplaced. In that case, the Court recorded its satisfaction with regard to the second limb of Section 21(4) on the ground that the predicate offences, on the basis of which MCOCA was invoked, were committed by the accused in his individual capacity and not as part of any organised crime syndicate. In the present case, however, although no prior FIR is registered against the Appellant in her personal capacity, the material on record *prima facie* indicates that she was an active member of the organised crime syndicate run by her mother, Kusum, that she derived pecuniary benefit from the sale of contraband, and that she participated in the concealment and routing of the proceeds of crime. The factual matrix, therefore, stands on an entirely different footing, rendering the aforesaid decision inapplicable and of no assistance to the Appellant.

27. One aspect warrants clarification, though it does not change the result. The impugned order uses the expression "initial stage of investigation" in Paragraph No. 20. The record placed in the opening narrative shows filing of the NDPS charge-sheet against Amit and framing of charge thereon. The phrase is best understood as referring to the MCOCA investigation and the broader organised crime inquiry, including financial and syndicate aspects, which the prosecution asserts are still unfolding. Read in that manner, the



Trial Court's reasoning remains coherent.

### **Conclusion**

28. The record does not disclose reasonable grounds for believing that the Appellant is not guilty of the offences alleged under MCOCA. The apprehension of witness influence and tampering also can also not be discounted at this stage. The twin conditions under Section 21(4) are, therefore, not satisfied.

29. The appeal is dismissed.

30. It is clarified that any observations made in the present order are for the purpose of deciding the present appeal and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

31. Disposed of, along with pending application.

**SANJEEV NARULA, J**

**JANUARY 06, 2026**

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<sup>14</sup> 2016 SCC OnLine Bom 4788.