



2026:DHC:1955



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

Reserved on: February 18, 2026
Pronounced on: March 10, 2026

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+ **BAIL APPLN. 4320/2025**

DHEERPAL@BAGADI@DEEPAKApplicant

Through: Mr. Vishwajeet Singh, Mr. Kumar
Amit Singh, Mr. Tarun Verma and Mr.
Satvik Raghuwanshi, Advocates.

Versus

GOVT OF NCT OF DELHIRespondent

Through: Mr. Satish Kumar, APP with Ms.
Upasna Bakshi, Advocate
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 made under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ read with *Section 439* of the Code of Criminal Procedure, 1973², the applicant seeks regular bail in proceedings arising from FIR No.55/2016 dated 19.04.2016 registered under *Sections 3(1)/3(4)/3(5)* of the Maharashtra Control of Organised Crime Act, 1991³ registered at PS.: Crime Branch, Delhi.

2. As per FIR, the applicant is a member of a structured and well-

¹ Hereinafter as “*BNSS*”

² Hereinafter as “*Cr.P.C.*”

³ Hereinafter as “*MCOCA*”



organised crime syndicate, which has continuously been 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. Further, the applicant herein was arrested on 09.05.2016, since as per FIR No.497/2011 dated 11.11.2011 under *Sections 364A/ 120B* of the IPC, the applicant was involved in kidnapping of Mr. Rishi Mittal, a student of Maharaja Agrasen College, Rohini, Delhi, for which a ransom of Rs.5,00,00,000/- was demanded from the victim's father for his release.

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, 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 and 364A* of the Indian Penal Code, 1860 as also the Arms Act, 1959 involving heinous offences and serious crimes.

4. Mr. Vishwajeet Singh, learned counsel for the applicant submitted that of the *sixty* witnesses cited by the prosecution, only *thirty-six* have been



examined till date and consequently, the trial is likely to take a considerable time to conclude. The applicant has already remained in custody for more than *nine years*, which tantamount to pre-trial incarceration and the same is violative of *Article 21* of the Constitution of India.

5. Mr. Vishwajeet Singh further submitted that the charge-sheet is silent on the pecuniary advantage gained by the applicant and the same is an essential ingredient of MCOCA, whereby no evidence has been shown to establish that the applicant profited from any criminal activity, and in view thereof, the present application is liable to be allowed.

6. Mr. Satish Kumar, learned APP for the State, relying upon the Status Report submitted that the applicant has multiple previous criminal antecedents and of the *fourteen* FIRs involving him, three FIRs are still under trial. Although the applicant was released on interim bail *vide* order dated 19.10.2023 in BAIL APPLN. 3479/2023, however, the terms and conditions were not followed by him and thereafter, the applicant was declared as a Proclaimed Offender on 09.08.2024. As such, considering the nature and gravity of the offence, the present application is liable to be dismissed.

7. Heard learned counsel for the parties and perused the documents on record.

8. This is a case wherein the applicant is *allegedly* a member of an organised multi-layered crime syndicate operating through a network, which requires a comprehensive investigation to unearth his role and extent of his involvement. Though the applicant has remained in incarceration for a considerable period, however, when dealing with the provisions of MCOCA,



as per the preamble/ object reasons⁴ thereof, the same has to take a back seat, unless there are other mitigating circumstances therewith. Noticeably, as per *Section 21(4)* of MCOCA, this Court, while granting bail, must be essentially ‘*satisfied*’ that there are “*reasonable grounds*” to believe that the applicant is not guilty of the alleged offence and that the accused is not likely to commit any offence whilst on bail. Thus, the same is more stringent than when this Court is dealing under normal circumstances under other Statute(s).

9. Moreover, the applicant herein has been guilty of jumping bail, when the same pertains to an offence of high magnitude, huge monies and various (unnamed) persons involving provisions of MCOCA, this Court has to be cautious and take appropriate measures while granting bail in such a case in hand.

10. Taking the aforesaid cumulatively, especially the seriousness and gravity of the offence involved, this Court does not see any cause/ reason for releasing the applicant on bail.

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/NA/AKS

⁴ An Act to make special provisions for prevention and control of, and for coping with, criminal activity by organized crime syndicate or gang, and for matters connected therewith or incidental thereto.