

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.3456 OF 2019**

Saidulu Narsimha Singapanga .. Applicant
Versus
State of Maharashtra .. Respondent

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Mr.Sudeep Pasbola with Ms.Susan Abraham for the Applicant.
Smt.S.S.Kaushik, APP for the State.

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CORAM : BHARATI DANGRE, J.

DATED : 05th MAY, 2021

P.C:-

1. On 12/01/2018, an information was received by Anti Naxal Operation Cell, Juhu Unit, Mumbai to the effect that some persons staying in Malad, Ghatkopar of Mumbai region, working for a terrorist organization, Communist Party of India (MAOIST) (**for short, "CPI(M)"**), are to organize a secret meeting near Kalyan Railway Station at 4.30 p.m., with the intention of causing threat to the Nation's solidarity and security and that they are involved in unlawful activities like collecting funds, recruiting new members, propagating organization's anti national philosophy, organizing meetings of their active members, making lodging arrangements for organization's office bearers. The secret informer also revealed that few members of the organization are residing in

Pantngar, Vikhroli and Dombivali area as well.

Tipped as above, the information was conveyed to the senior officers, who gave instructions to have a police team deputed at Kalyan Railway Station alongwith the secret informer. On reaching the spot alongwith the informer, at around 5.30 p.m., the informer pointed towards one person standing near Station Master's office and he was pointed out as the person working for the organization and its office bearers and the informer was permitted to leave. Police team approached the suspect and probed him, but he gave evasive answers. This person, on subsequent investigation, revealed his name as Ajay Dasari. He was brought to ATS Unit, Juhu where he disclosed his real name as Krushna @ Ajay @ Mahesh Lingayya Ghoshka @ Venugopalan and also disclosed names of his associates, residing at Kamraj Nagar, Vikhroli and Sion Koliwada, who were working for CPI(M). The persons named were detained and further inquiry was carried out with an outcome that they were active members of a banned organization, namely, CPI(M) and aimed at posing threat to the Nation's security and solidarity.

2. The offence was therefore registered on the complaint of PI Bhaskar Kadam against 7 accused persons under Section 20, 38, 39 of the Unlawful Activities (Prevention) Act, 1967 (for short, "UAPA"). Subsequently, Sections 13(1)(a), 13(1)(b), 16, 18(a), 18(b), 19 and 40 of UAPA as well as Sections 465, 468 and 471 of the Indian Penal Code (for short, "IPC") came to be added.

It is in connection with the said C.R. being registered as C.R.No.2 of 2018 registered by ATS Police Station, Kalachowki, Mumbai, the applicant is seeking his release on bail being arraigned as accused No.8. He came to be arrested on 05/02/2018 and the learned counsel Mr.Pasbola would submit that he is in jail since the date of his arrest. The charge-sheet was filed in the said C.R. against 8 accused persons, including the applicant on 03.05.2018 and presently the case is registered as MCOCA Special Case No.11 of 2018.

3. The submission of learned counsel Mr.Pasbola is that the applicant is not charged under the provisions of the Maharashtra Control of Organised Crime Act, 1999 (**for short, "MCOCA"**). The learned counsel would submit that the applicant is not named in the FIR and he was arrested much later after the crime was registered and on his arrest, nothing incriminating is seized from him. According to Mr. Pasbola, on the basis of the statements of the witnesses, the applicant is roped in as a mistaken identity in place of Saidulu Gondrigalla, who has been charge-sheeted in departmental proceedings by the Reliance Energy Group and the applicant is not the same person.

According to Mr.Pasbola, the charges levelled against the applicant in the charge-sheet are three fold; (a) that the applicant/accused has deliberately, unlawfully stopped the work of Reliance Energy Company for one day (i.e. on 19/12/2017), which provides essential services and thereby acted by disrupting the essential services, (b) the applicant/accused by himself has provided the shelter to

accused No.1 and helped in concealing his identity knowing fully that accused No.1 is involved in terrorist activities. And (c) the applicant/accused told the contractors of Reliance Company that he is a Naxalite and thereby pressurized them to provide financial help to the banned organization CPI(M). The learned counsel Mr.Pasbola would submit that though the charge-sheet compile statements of various persons, where the applicant has been named, none of the statement implicates him in the offence alleged against him and, particularly, the offence under UAPA. The applicant, according to Mr.Pasbola, was never issued a show-cause notice/charge-sheet nor he was he suspended by his employer prior to his arrest. According to the learned counsel, there is no material in the charge-sheet to support the prosecution case as contained in the charge-sheet that the applicant provided shelter to accused No.1 and helped him in concealing his identity nor any material exist to the effect that he pressurized the contractor to provide financial help to the banned organization by posing himself as a Naxalite. The submission is that if the statement of accused No.1 is perused, it would reveal that he has stated that he was arranging shelter for party members from the year 2000 to 2008 and that he met accused No.8 (applicant) in the year 2017, thereby logically following that there is no probability of the applicant aware about the past activities of accused No.1 i.e. for the period between 2000 to 2008. Further, the statement of the contractors that they were threatened and under pressure, they gave money is also unbelievable according to Mr.Pasbola for the simple reason that the contractors have admitted in their statements that money was

given for the purpose of May-day programme, Shivjayanti programme and for Diwali collection and such amounts were given to the leaders of all Unions, including the Union to which the applicant belong i.e. Mumbai Electric Employees Union (MEEU), which is a registered trade union. The submission in support of the applicant is that he has been working as a workman in Reliance Energy for the last 20 years since 1997 and in absence of any cogent material contained in the charge-sheet, particularly when all his co-accused has been enlarged on bail, a default bail although, the applicant was not extended the benefit as he was arrested three weeks later and, therefore, was not admitted to default bail. Mr.Pasbola would thus urge that in absence of inculpatory material in the charge-sheet, the applicant is entitled for being released on bail, subject to any stringent/conditions, which this Court may impose.

Opposing the application, Ms.Sharmila Kaushik, the learned APP would point out the material against the applicant as compiled in the charge-sheet and as indicated in the affidavit filed by the Assistant Commissioner of Police (ATS), Mumbai on 05/11/2020. She would submit that the material which has been seized from the applicant clearly pinpoint to his involvement and complicity in the said offence and that is why, the charge-sheet has been filed against him. According to the learned APP, the applicant is not an accused of only assisting the other members i.e. the co-accused persons, who are the members of the banned organization, but he has also actively participated and involved himself in the meetings of the organization, collecting and raising funds, support illegal

activities of the banned organization with an object to disturb the public peace and harmony and solidarity of the whole nation. Relying upon the said material, the learned APP would urge that the application deserves a rejection and accordingly it should be rejected.

4. With the assistance of the respective counsel, I perused the charge-sheet and the material contained therein. The charge-sheet invokes Sections 13(1)(a), 13(1)(b), 16, 18(a), 18(b), 19, 20, 38, 39, 40 of UAPA (Amended 2004, 2008) alongwith Sections 465, 468 and 471 of IPC. The charge-sheet indicts 8 accused persons, the applicant being accused No.8.

5. The Unlawful Activities (Prevention) Act, 1967 provide for the more effective prevention of certain unlawful activities of individuals and associations and by effecting amendment in the year 2004, it deal with Terrorist activities. The said enactment dealt with unlawful associations as contemplated in Chapter II for which the offences and penalties are prescribed in Chapter III whereas Chapter IV prescribe punishment for terrorist activities.

Section 3 contained in Chapter II provide for declaration of an association as unlawful. The mode prescribed is the notification in the official gazette where such an association is declared as unlawful. The said declaration is subject to the clearance by the Tribunal constituted under Section 5 of the Act and for the purpose of adjudicating whether or not there is sufficient cause for declaring the association unlawful , which

necessarily contemplate an adequate opportunity to show cause to the association or its office bearers or members and conduct of an inquiry in the manner specified in Section 9. Section 10 prescribe the penalty for being a member of an unlawful association, which is so declared by notification issued under Section 3 and any person who continues to be a member of the association or takes part in the meeting of the association or contributes or receives or solicits any contribution for the purpose of such association, shall be punished in terms of Section 10. Section 11 prescribe the penalty for dealing with the funds of an unlawful association and Section 12 prescribe the punishment for contravention of an order made in respect of a notified place. Section 13 prescribe the punishment for unlawful activities, which reads as under :-

“13. Punishment for unlawful activities.— (1) Whoever—

(a) takes part in or commits, or

(b) advocates, abets, advises or incites the commission of, any unlawful activity, shall be punishable with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

(2) Whoever, in any way, assists any unlawful activity of any association declared unlawful under section 3, after the notification by which it has been so declared has become effective under sub-section (3) of that section, shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

(3) Nothing in this section shall apply to any treaty, agreement or convention entered into between the Government of India and the Government of any other country or to any negotiations therefor carried on by any person authorised in this behalf by the Government of India.”

5. “Unlawful Activity” is defined in Section 2(o) of the UAPA as under :-

“2(o) “unlawful activity”, in relation to an individual or association, means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise),—

(i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession; or

(ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India; or

(iii) which causes or is intended to cause disaffection against India;”

6. Another limb of the Act provides punishment for terrorist activities and the terrorist act is assigned a specific meaning in Section 15 of the enactment and would cover the activities, which are committed with an intention to threaten or likely to threaten the unity, integrity, security, economic security or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country by the modes stipulated in the said section. Section 17 prescribe punishment for raising funds for terrorist act. Section 18 prescribe punishment for conspiracy or attempt to commit or an act of advocating, abetting, advising, inciting or facilitating the commission of a terrorist act, knowingly or even any act preparatory to the commission of a terrorist act. Section 18-B

prescribe punishment for recruiting any person for terrorist act whereas Section 19 prescribe punishment for harbouring, Section 21 prescribe punishment for holding proceeds of terrorism. Section 39 makes an act of giving support to the terrorist organization an offence whereas Section 40 prescribe punishment for a person, who commits the offence for raising fund for terrorist organization, who, with intention to further the activity of a terrorist organization, invites another person to provide money or property, intended to be used for purpose of terrorism or receives any money or property and intends that it should be used or for reasonable cause to suspect that it might be used for the purpose of terrorism. The terrorist organizations are the one, which are notified by the Central Government in the official gazette and referred to in the First Schedule in the scheme of the aforesaid enactment. This, in brief, is the Scheme of the enactment under which the Applicant is charge-sheeted by invoking certain provisions thereof.

7. I have perused the material in the charge-sheet on which the prosecution relies to frame the charge against the applicant. It is not in dispute that under the provisions of UAPA, CPI(M), all its components and front organizations are declared as terrorist organization by the Government of India (Order No.525(a) dated 22/06/2009) and all its functioning is banned.

I shall now refer to the material on which the prosecution rely to establish the connect of the applicant to this terrorist organization. The charge-sheet reflects that on

the basis of the secret information received from the informer that certain persons residing in the areas mentioned, are working for the banned organization and they have arranged the secret meeting near Kalyan railway station at 4.30 p.m., the place was raided and accused No.1 was taken in custody, who disclosed his name as Ajay Dasari, resident of Malad. On interrogation, he disclosed the names of seven persons as associated with the said organization and they were also taken into custody. Raids came to be conducted in their houses wherein certain literature/material came to be seized, which included some printed circulars/pamphlets and photographs of the moist comrades. On the basis of the material and investigation from the said accused persons including accused No.1-Ajay Dasari @ Mahesh Lingayya, they came to be charged as members of the banned organization. The charge-sheet contain material about the said banned organization and about its *modus operandi* in execution of its object.

8. As far as the present applicant is concerned, he came to be arrested on 05/02/2018. The charge-sheet disclose that in his personal search, his Aadhar Card, PAN Card, SIM Card, Mobile Phone, some cash amount, Attendance Card, Railway Pass, Railway Ticket and a chit bearing mobile numbers with some names written in some South Indian language came to be seized. On 06/02/2018, on his disclosure statement, a mobile phone, containing Jio and Airtel SIM Card and a memory card came to be recovered. The charge-sheet reflect that accused No.1 had disclosed that he had attended the naxalite camp arranged in Gadchiroli forest and he had obtaining training in the said camp and this indicates his active participation in the

terrorist organization. The charge-sheet allege that the accused persons were collecting funds for the terrorist organization and all the accused including the applicant are involved in the said act of extracting money being collected in the name of Union and by creating pressure on the Reliance Energy Labour Contractors Association and the amount being diverted to the banned organization. The applicant alongwith the accused persons is also charged for stopping of work of Reliance Energy Company, which is engaged in supply of essential services. The allegation levelled is that the applicant and the accused persons were working as members of the terrorist organization, which is a banned organization and accused Nos. 2 to 7 are charged for harbouring accused No.1 and for concealing his identity.

9. The affidavit opposing the application refers to the following material, which was seized from the applicant:

“(1) Union identity card under seize panchanama dtd 05/02/18 (page No.136-137) (Exhibit ‘A’).

(2) Mobile phone, CDR analysis, Report dtd.12/03/18 page No.1160 to 1183 (Exhibit ‘B’).

(3) Facebook account analysis post written as ‘Lal Salam, Lal Salam’. Memorandum Panchanama dtd.09/02/18 page No.420 (Exhibit ‘C’).

(4) Mirror Image abstracted from accused mobile phone from FSL-Showing Naxal training Camp with sophisticated weapons. Report dated 08/03/18 page No.1154 to 1156 (Exhibit ‘D’).

(5) Mirror image collected from FSL showing sharing dais with co-accused Ravi Marampeeli and Ramesh Golala page No.1156 (Exhibit ‘E’)



(6) G-mail account-objectionable contents Report dtd.12/03/18, page No.1389 to 1391 (Exhibit 'F') Photos found in applicant-accused mobile phones, are a substantial evidence to show that prior to his arrest, applicant accused person was actively involved in all unlawful activities with an intention to propagate, influence the causes of banned organization.”

The panchanama drawn on 05/02/2018, on arrest of the applicant, led to recovery of one unused SIM Card (postpaid) of Airtel company and a mobile found without any SIM Card in the slot. Apart from the above, Aadhar Card, PAN Card, Membership/Identity Card of Mumbai Electric Union. The identify card showing that he was working as labour with Srinivas Laxmayya Surkanti (Contractor) is also recovered. There is a detail analysis of the phone calls exchanged between various accused persons in the offence and the said data obtained from the service provider is compiled in the charge-sheet.

10. On 09/02/2018, the memorandum panchanama is recorded. When carefully perused, it led to an E-mail ID of the applicant, which is a G-mail ID and on the password being provided by the applicant, the account was opened and the recovery option was perused. The Apps used by the applicant were traced and the details of the same were obtained in PDF form. The history of his activity was perused, which included the “Watch history” and “Search history”, which was converted into a PDF file. From his G-mail account, the Archive led to 71 mails, which were converted in a PDF file. The E-mail ID “Inbox” led to one email from babushankarvanguril3@gmail.com, where a stage photograph



of Yalgar Parishad is shared. The access was also gained to his “facebook” account and the timeline of the facebook account was also saved in a separate folder. His facebook profile, when perused, led to a picture of “Lal Salam” being written in English language and the applicant admitted that he had posted the said picture. A photograph with several persons was pointed out to the applicant and he identified the persons as Ravi Ramapalli and Ramesh Gondiyala as his accomplice in the movement. This is the material, which is collated by the ATS through the memorandum panchanama of 09/02/2018. The mobile phone used by the applicant led to certain photographs, which are alleged to be objectionable and this include the photograph of the naxal camp in the forest and some persons in the naxal movement alongwith the photographs of the naxalites during the training. On the basis of this, it is alleged that the applicant is completely under the influence of the naxalite philosophy and thus connected to the naxalite movement. Further, the facebook account of the applicant was carefully scanned and the various posts posted from this account were dissected. Barring one post of 14/05/2017, which is in Telugu script, all other five posts are of the year 2014. One conversation with Yadaiah Kavali is also in Telugu language, the post is dated 02-06-2014. The information about G-mail Account led to a statement by the Democratic Independent Workers Party (POID) after the first round of the presidential election and some correspondent received by the International Workers Committee (IWC). Another photograph, which is recovered from his G-mail account is a photograph of some *march parade*, without any



further details. This is the entire material compiled in the charge-sheet and on the basis of this material, the applicant is charged under the provisions of UAPA.

11. To establish the connectivity of the applicant to the organization, the prosecution relied upon some statements. One such statement of a contractor, who provides labour to Reliance Company, placed along with affidavit of respondent, is perused as it is detail one. It is stated by the said contractor that Reliance Energy Company has five zones, which cover 118 labour contractors. The said contractors have formed 'Reliance Energy Labour Contractor Association', whose membership is Rs.500/- per month. It is his statement that after every three years, the daily wages of the workers are re-determined and the workers and the contractors are then entitled for the differential amount/arrears, of which some amount is deposited with the Association in the form of donation. The Committee of the Association takes a decision as to how the amount is to be distributed and from the said Association, various office bearers and Unions are given donations, after obtaining a receipt. He further state that in each zone, there are 25 Labour Contractors, who provide labours to Reliance Company and, at times, the labour settlement money, either on death of a labour or when he suffers any injury during the course of work, compel the contractors to render financial assistance. At times it is not possible for the contractor to immediately arrange for the money and, therefore, all the 25 Labour Contractors working in each zone had decided to open a joint account in the bank and to deposit a fixed amount in the said account so that



whenever any employee of the contractor require any financial assistance, the amount could be paid by way of cheque . Accordingly, an account was opened in the Shamrao Vitthal Co-operative Bank, Tilak Nagar in the year 2013 and the donation of Rs.500/-, which is subsequently modified to Rs.1,000/-, goes into the said account. The statement of the said contractor is that some of his workers belong to Telangana State and are members of 'Mumbai Electric Employees Union', whis is in operation since 2006-07 and the members of said Union collect money from the contractors for Labour Day (First May), Shivjayanti and festivals like Diwali and when the money is not paid, they create problem. In the year 2015, one cheque was given to the applicant as a member of the Union for Labour Day Programme. He also give details of the other cheques, which were paid to the members of the Union. In the year 2017, cheque of Rs.25,000/- was given to one Satyanarayan Karela. For the purpose of resolving issues of labours working with each zone contractor, the applicant alongwith other members of Mumbai Employees Union were holding meeting at Tilak Nagar Garden for last two years. In the said meeting, the issues of the labours are resolved and such meetings are attended by the statement giver contractor. A reference is made to one person, who is present in the meeting and who take his stand in the said meeting. On inquiry from others, he is disclosed to be a senior leader of party and their advisor. The said person, Mahesh was talking in Telugu and it was informed that he was from Andhra Pradesh. When information was collected, the witness was informed that Mahesh was naxalite and when further

information was garnered, it was confirmed that he was a naxalite. Then, it is stated that all the contractors were living under his pressure.

12. An incident is referred to when an contractual employee expired on account of brain hemorrhage on 19/12/2017 and on account of his death, Mumbai Electric Employees Union completely shut down the Reliance Energy Company, which prompted the administration to suspend the employees, which included Saidul, but this Saidul is not the present applicant. It is further stated by the witness that a demand was made to reinstate the suspended employees and to continue their payments and a meeting for that purpose was held on 09/01/2018 at Tilak Nagar Garden, which was attended by Satyanarayan Karela, Shankar Gunde, Ravi Marampelli, Saidul Singapanga (present applicant). At that time, the contractors attended the meeting and accused No.1-Mahesh as also there. The witness state that discussion in the meeting was about reinstating the suspended employees. At that time, it is alleged that Mahesh had threatened the contractors that all the contractors must pay an amount of Rs.10,000/- to the suspended employees and immediately take them back on work. The contractors, however, rejected the proposal and told the employees that whatever is as per the rule, shall be done. After a lot of squabble, the meeting came to an end. The statement of the said witness was recorded on 02/02/2018. At the end of the said statement, the witness state that he was informed by the police that the persons by name Mahesh, Ravi Marampelli, Shankar Gunde, Satyanarayan Karela as well as Labour Contractor Narsayya Jumpapa and others were



arrested as they had connections with CPI(M).

13. The statements of other witnesses included in the charge-sheet on the similar line are also compiled in the charge-sheet, which include statements of Witness Nos.72 and 74. The statements of several workers are also compiled in the charge-sheet, who speak of the talks between the Reliance Energy Management and Labour Union where discussion took about revision of pay-scale and payment of arrears. They refer to the donation fee asked by the Union and there is also reference of the meeting being attended by the General Secretary-Narsayya Jumpala-witness No.92 as a Labour Contractor with 40 workers. He make reference of several Unions and state that Labour Contracts had to deal with the issues pertaining to labour and this involve the discussion with the Management about revision of their pay-scales by adopting a conciliatory approach. The witness state that after the pay revision is fixed, the contractors and the employees are entitled for arrears and though the workers get the arrears immediately, the contractors are paid the amount after gap of 5 to 6 months. On receipt of the arrears, the contractors deposit amount in form of donation to the Association and the decision regarding the manner in which the amount is to be disbursed is taken by the Committee Members of the Association. The witness categorically state that the donation is given to the Union by cheque and receipt is obtained and the Union which refuses to give receipt, do not received any donation.

14. When the aforesaid statements are perused, it is evident that the applicant was working as labour with one of the



contractors and accused No.1 used to participate in the meetings of the Union, on occasions, for negotiating the terms with the contractors. A meeting, which was held for demanding the compensation when one of the worker died, has been referred to as the first meeting where some threats were given by accused No.1. But, the said threats pertain to reinstatement of the suspended employees and payment of wages to them. Pertinent to note that the applicant was never suspended, but it is one Saidul Gondrigalla, who was charge-sheeted for the alleged act of misconduct by the contractor and he was placed under suspension for instigating the other labours to agitate against the contractor and for actively supporting the agitator and provoking the contract labourers to refrain from going on site for duty. The applicant was neither suspended nor issued any notice. The statement of one witness recorded on 08/02/2018 is relied upon by the learned APP, who refer to the contractual employees from Andhra Pradesh District, which include the other co-accused and the present applicant alongwith Saidul Gondrigalla. The witness has stated that he was elected as office bearer of Mumbai Electric Employees Union and, therefore, was closely acquainted with the workers of Andhra Pradesh. He state that he had also attended a meeting held in Mumbai at the time of formation of Telangana State and recollect that the meeting was held in Andhra Mahasabha Hall, Dadar. The witness also state that in various meeting Mahesh (accused No.1) used to raise up the issues pertaining to the labour and he was known as a man from party. On 31/12/2017, he state that he alongwith the applicant and other accused persons had gone to

Bhimanagar and returned to Shaniwarwada where Yalgar Parishad programme was held. The charge-sheet also contain a statement of witness No.83, who was a member of PWG, which was banned in 2004 of which he was active member. He has referred Mahesh to be the person, who had obtained training alongwith him, but there is no reference of the applicant made by this witness.

15. On perusal of the aforesaid material, I do not, *prima facie*, see the material sufficient to indict the applicant under Sections 13, 16, 18, 18(a), 18(b), 19 and 20 alongwith Sections 30 and 40 of the UAPA. Section 13 prescribe the punishment for unlawful activities, which must necessarily cover within (i), (ii) and (iii) of Section 2(o) meaning that the activity either intent or support any claim to bring about such cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession or which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India. The material also does not indicate any act which causes or intended to cause disaffection against India. Further, for establishing the charge under Sections 18, 18(a), 18(b), 19 and 21, positive evidence would be imperative. For attracting Section 18, a conspiracy or an act of advocating, abetting, advising or inciting or knowingly facilitating the commission of a terrorist act must be established. Further for punishment for harbouring, it contemplate voluntarily harbouring or concealing or attempt to harbour or conceal any person knowing that he is a terrorist. Accused No.1 is being referred

to in the statements as closely working with members of the Union or his presence in the meetings where he attempted to solve the problems faced by the labours engaged by the contractors and the meeting referred to threat by him to the contractors for reinstating suspended workers, who had halted the work of company on death of one of their colleagues. At this stage, the existing material compiled in the charge-sheet, do not support the case of harbouring him at the instance of the applicant nor is the material sufficient to indict the applicant as a member of a terrorist gang or an organization. The contractors and the workers whose statements have been compiled in the charge-sheet do not speak to any amount being collected, to be paid towards the banned organization, but it is specifically stated that it was collected as a donation for which the receipt was obtained and some amount was contributed by the contractors in any account for meeting any contingency faced by their own labourers. In absence of any cogent material being compiled in the charge-sheet, indicting the applicant for the charge levelled against him, particularly when all other co-accused are already released on bail, albeit default bail, the applicant in my considered opinion need not languish in prison any more in the wake of the material compiled against him. He is entitled for his liberty subject to the following stipulations and also with an additional condition being imposed that any attempt on part of the applicant to breach any of the conditions, would entitle the prosecution to move for cancellation of bail.



: ORDER :

- (a) Application is allowed.
- (b) Applicant - Saidulu Narsimha Singapanga shall be released on bail in C.R.No.2 OF 2018 registered with ATS Police Station, Kalachowki, Mumbai on furnishing P.R. bond to the extent of Rs.50,000/- with one or two sureties of the like amount.
- (c) The applicant shall mark his presence in the Special Court once in every month and mark his presence with ATS Police Station, Kalachowki, Mumbai in the first week of every month, on the time and date as directed by the Investigating Officer.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer
- (e) The applicant shall not tamper with the prosecution evidence.

SMT. BHARATI DANGRE, J