

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1813 OF 2026

Jagruti Dhanesh Thorat	.. Applicant
Versus	
State of Maharashtra	.. Respondent

**WITH
BAIL APPLICATION NO. 2001 OF 2026**

Sadhana Subhash Chaudhary	.. Applicant
Versus	
State of Maharashtra	.. Respondent

**WITH
BAIL APPLICATION NO. 3689 OF 2026**

Jitendra @ Bala Dattatray Deshmukh	.. Applicant
Versus	
State of Maharashtra	.. Respondent

**WITH
BAIL APPLICATION NO. 3791 OF 2026**

Gopal Shrikrishna Ingale	.. Applicant
Versus	
State of Maharashtra	.. Respondent

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- Mr. Prashant Pandey a/w. Mr. Dinesh Jadhvani, Ms. Ridhima Mangaonkar, Ms. Neha Balani, Advocates i/by W3 Legal LLP for Applicant in Bail Application No.1813 of 2026.
- Mr. Rahul Arote, Advocate for Applicant in Bail Application No.2001 of 2026.
- Mr. Afroz Shaikh, Aasim S. Sayyed and Mr. Kiran S. Chavan, Advocates for Applicant in Bail Application No.3689 of 2026
- Mr. Mithilesh Mishra a/w. S.C. Mishra and Dnyaneshwari Hadawale, Advocates in Bail Application No.3791 of 2026.
- Mr. Amit A. Palkar, APP for Respondent – State.
- Mr. Mahesh Mule, SPP a/w. Ms. Nidhi Narwekar and Ms. Sakshi Tambat, Advocates for Respondent in all Bail Applications.
- API – Mr. Sachin Kokare, Crime Branch, Navi Mumbai present.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 15, 2026

P.C.:

1. Heard Mr. Pandey, learned Advocate for Applicant in Bail Application No.1813 of 2026; Mr. Arote, learned Advocate for Applicant in Bail Application No.2001 of 2026; Mr. Shaikh, learned Advocate for Applicant in Bail Application No.3689 of 2026; Mr. Mishra, learned Advocate in Bail Application No.3791 of 2026; Mr. Palkar, learned APP for Respondent – State and Mr. Mule, learned SPP for Respondent.

2. These are Applications under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Bail in connection with C.R. No.15 of 2022 registered with 302, 201, 120B, 363, 364, 365, 386, 170, 171, 507, 452 read with 34 of the Indian Penal Code, 1860; Sections 3, 25 and 27 of the Arms Act, 1959; Sections 37(1) and 135 of the Maharashtra Police Act, 1951 and Sections 3(1), 3(2), 3(4) and 3(5) of the Maharashtra Control of Organised Crime Act, 1999 (for short '**MCOC Act**').

3. This is a group of four Criminal Bail Applications which are heard together and determined by the following order. All four Applicants are accused in the same crime.

**BAIL APPLICATION NO. 1813 OF 2026
AND
BAIL APPLICATION NO. 2001 OF 2026**

4. In Bail Application Nos.1813 of 2026 and 2001 of 2026, Applicants are women offenders. Applicants have been in incarceration for a period exceeding 4 years and 8 months pending trial. Charges have been framed, but there is no possibility of the trial commencing or for that matter concluding.

5. The prosecution team is led by Mr. Mule, learned Counsel. He has filed four Affidavits-in-Reply, all dated 13.10.2026 separately in all four Bail Applications to oppose the bail been allowed by this Court to Applicants. However, at the outset, he would in his usual fair-mindedness inform and apprise the Court that though the prosecution has filed Affidavits to oppose all four Bail Applications, upon instructions received by him, insofar as Bail Application No.1813 of 2026 and Bail Application No.2001 of 2026 are concerned, he does not oppose allowing bail to Applicants, considering the fact that both Applicants therein are women and have been in long incarceration for the past more than 4 years and 10 months pending trial. The conduct of the prosecution in the above circumstances is appreciated by the Court.

6. In that view of the matter, after recording the statement of Mr. Mule, insofar as Bail Application No.1813 of 2026 and Bail

Application No.2001 of 2026 are concerned, both Applicants therein are allowed to bail on the following terms and conditions:-

- (i) Applicants are directed to be immediately released from prison in connection with CR. No.15 of 2022;
- (ii) Applicants are directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) each with one or two sureties in the like amount;
- (iii) Applicants shall report to the Investigating Officer at concerned Police Station, once every month, on the first Sunday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;
- (iv) Applicants shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicants shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;
- (v) Applicants shall not leave the State of Maharashtra without prior permission of the Trial Court;
- (vi) Applicants shall not influence any of the witnesses or

tamper with the evidence in any manner;

(vii) Applicants shall keep the Investigating Officer informed of their current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in their residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicants.

7. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

8. Bail Application No.1813 of 2026 and Bail Application No.2001 of 2026 are allowed and disposed in the above terms.

**BAIL APPLICATION NO. 3689 OF 2026
AND
BAIL APPLICATION NO. 3791 OF 2026**

9. In both the aforesaid Bail Applications, Applicants are arraigned as Accused Nos.3 and 1. The prosecution has vehemently opposed grant of bail to both these Applicants on the ground that MCOC proceedings have been invoked against both of them in the present crime. Applicant in Bail Application No.3689 of 2026 is arraigned as Accused No.3 having 17 antecedents, out of which 8 are under the Special Act whereas Applicant in Bail Application No.3791 of 2026 has 4 antecedents.

10. Mr. Mule would vehemently argue and submit that Applicants are members of a gang led by Accused No.5 in the present crime and are part of an organized crime syndicate and have been jointly instrumental in committing various crimes including abduction, murder, criminal intimidation, kidnapping, extortion etc.. Hence, he would submit that both Applicants, notwithstanding the fact that they have been incarcerated for the past more than 4 years, 10 months should not be released on bail.

10.1. Insofar as the present case is concerned, he would draw my attention to the Affidavit-in-Reply filed by the Assistant Commissioner of Police, Crime Branch, Navi Mumbai and while referring to the averments made therein contend that both these accused persons namely Accused Nos. 3 and 1 have conspired and participated in the present crime whereby they had initially abducted the victim and

thereafter sought a ransom from his family and in the process after receiving part of the amount had committed the murder of the victim and attempted to destroy evidence by disposing of his body.

10.2. He would submit that considering the gravity of the crime and the fact that Applicants are hardened criminals, this Court should consider the societal impact even if they are released on bail and therefore refuse bail in both the cases to Applicants.

11. I have considered the submissions made by the learned Advocates for Applicants and the learned Special Counsel appearing on behalf of the prosecution/CBI and perused the papers in the present case.

12. It is *prima facie* seen that insofar as the present crime is concerned, the case of the prosecution is entirely based on circumstantial evidence. There is no direct eyewitness to the crime. However, prosecution has attempted to rest their case on the basis of confessional statements and witness statements which have been recorded in the course of investigation.

13. According to prosecution, the victim was kidnapped from his car while he was driving on the highway between 5:30 p.m. and 8:30 p.m. on 31.01.2022. It is seen that on the following days a voice message was received from the victim on WhatsApp, calling upon the family members to arrange for the ransom amount since the victim had

borrowed a sum of Rs. 50 lakhs from a resident in Pune for his business purposes, but was unable to repay it back and therefore he informed his family members that he was kidnapped and the ransom amount of Rs.1 crore should be arranged.

14. It is also seen that the family members arranged a ransom amount of Rs.25 lakhs initially which was left at a particular place as informed to them and which was collected by one of the members of the organized crime syndicate. However, thereafter it is revealed that the victim who was abducted was shot dead by Accused Nos.4 and 5, but insofar as the present accused are concerned, it is the case of the prosecution that all throughout they were always present alongwith the principal Accused Nos.4 and 5 at all times.

15. The prosecution case proceeds further on the basis that all accused persons thereafter attempted to destroy evidence and dispose of the body of the victim by burning the same and throwing it in the river. The further prosecution case rests on recovery of articles and firearms made from Accused Nos.4 and 5 wherein according to the prosecution, Accused No.5 is the gang leader and the present accused persons / Applicants are its members. It is seen that insofar as role attributed to the present Applicants are concerned, according to prosecution case they were always present alongwith the principal accused persons who carried out the abduction and have been alleged

to have shot the victim with a firearm.

16. The prosecution case proceeds further on the basis that the ransom amount of Rs.25 lakhs which was collected was infact used by Accused Nos. 4 and 5 for investment of the same in land purchase to the extent of Rs.15 lakhs and to buy two second hand cars which have been recovered and attached. Though it is also argued that the rigors of Section 21(4) of the MCOC Act would apply to Applicants before considering their release from bail since sanction has been accorded, in view of the aforesaid *prima facie* observations and findings to the extent of the presence of Applicants, since there is no other specific role attributed to them, there is a reasonable ground to believe that they may not be guilty of the offence.

17. Needless to state that Applicants complicity in the crime and conspiracy will be established by the prosecution at trial on the basis of evidence.

18. Insofar as the second condition is concerned, that they are not likely to commit any offence while on bail, it is seen that both Applicants do have antecedents. However, the said condition also needs to be juxtaposed with the right of Applicants to a speedy trial as envisaged under Article 21 of the Constitution of India. This is a case where the trial has not commenced and the Applicants are in incarceration for the past more than 4 years and 10 months pending

trial.

19. Even according to the prosecution and at the highest, Applicants' role is that of being present alongwith the principal Accused Nos.4 and 5 who are the real perpetrators of the crime and who have been shown to have received the ransome amount and are therefore the beneficiary of the crime proceeds. The Court needs to therefore maintain a delicate balance to ensure the legislative intent behind enacting the stringent provisions as contemplated by the twin conditions envisaged under Section 21(4) of the MCOC Act so as to ensure that the said conditions are not frustrated.

20. However, considering the material which is placed on record which has been discussed herein above and considering the length of incarceration of both these Applicants of over 4 years and 10 months pending trial, I am not inclined to believe and accept the submissions made by the prosecution that both Applicants fail the twin conditions, failing which there would be a situation where Applicants would have to be incarcerated forever in prison. That certainly cannot be the mandate of the legislation while enacting the twin conditions since the balance between enforcement of the twin conditions and grant of bail which is the statutory right and more specifically so when the prosecution is not in a position to complete the trial in a reasonable time, the Court will have to step in.

21. Hence notwithstanding the gravity of the offence in the present case, but even according to the prosecution, the principal perpetrators of the crime being Accused Nos.4 and 5 and Accused No.5 being the gang leader, insofar as the present Applicants are concerned, they being the associates of Accused No.5 and arraigned as Accused Nos.3 and 1 in the present crime, considering their role, I am therefore inclined to consider the case of both Applicants to bail in view of their long incarceration of 4 years, 10 months pending trial and also on the basis of the role attributed to them as having been discussed herein above.

22. In view of the above *prima facie* observations and findings, Bail Application No.3689 of 2026 and Bail Application No.3791 of 2026 of Applicants are allowed to bail on the following terms and conditions:-

- (i) Applicants are directed to be immediately released from prison in connection with CR. No.15 of 2022;
- (ii) Applicants are directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like amount;
- (iii) Applicants shall report to the Investigating Officer at concerned Police Station, once every month, on the first

Monday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

- (iv) Applicants shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicants shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;
- (v) Applicants shall not leave the State of Maharashtra without prior permission of the Trial Court;
- (vi) Applicants shall not influence any of the witnesses or tamper with the evidence in any manner;
- (vii) Applicants shall keep the Investigating Officer informed of their current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in their residential address or mobile telephone number, as and when such change occurs; and
- (viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to

the Applicants.

23. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

24. Both Bail Applications namely Bail Application No.3689 of 2026 and Bail Application No.3791 of 2026 are allowed and disposed in the above terms.

25. All four Bail Applications i.e. Bail Application Nos. 1813 of 2026, 2001 of 2026, 3689 of 2026 and 3791 of 2026 are allowed and disposed.

[MILIND N. JADHAV, J.]

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signed by AJAY
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