

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION No. 1657 of 2014

Sagar Tatyaram Gorkhe & Yogesh and Anr ..Applicants.

Versus

The State of Maharashtra ..Respondent.

WITH

CRIMINAL BAIL APPLICATION No. 1658 of 2014

Sachin Maruti Mali @ Samar @ Shiva ..Applicant.

Versus

The State of Maharashtra ..Respondent.

Mr Mihir Desai a/with Vijay Hiremath i/by Chetan Mali, Kinarnra
Kopariha for the applicants.
Smt.Rohini Salian, Special P.P.

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CORAM : A. R. JOSHI, J.

DATE : 10th APRIL, 2015

P.C.

1) Heard learned counsel for the applicants in both the applications. Also heard learned Special Public Prosecutor for the ATS on these two repeated bail applications. Earlier bail applications were disposed off by this Court vide order dated 11th

April, 2014. In the said order, this Court came to the conclusion that this is not a case in which the applicants can be released on bail during the pendency of the trial for the offence punishable under Sections 387, 465, 467, 468, 471 read with section 120-B of the I.P.C. and also punishable under sections 18, 18 (A), 18(B), 20, 38 and 39 of the Unlawful Activities (Prevention) Act, 1967 as amended in 2008. Apparently, the investigation was carried by the Anti Terrorism Squad (ATS) Authorities and the present applicants during the investigation surrendered before the said Authorities. The material, then, available against the applicants was exhaustively dealt with in the earlier order. Now, apparently, the same factual position remains till date and there is no apparent change in the circumstance so as to view the matter differently and to enlarge the applicants on bail as prayed. Further more, it is brought to the notice of this Court by the learned Special PP that the charges are already framed against the applicants and other co-accused and the matter is fixed for recording evidence in this month.

2) During the arguments, learned Counsel for the applicants stated that there are more than 130 witnesses to be examined and it will take longer time to conclude the trial and till that time the applicants can be released on bail as other co-accused were already released on bail including some accused persons who also surrendered like the applicants.

3) Needless to mention that the offences charged against

the present applicants are of grievous nature and attract maximum punishment of life imprisonment, definitely balance is required to be struck while considering the applications for bail so as to secure the presence of the applicants during the pendency of the trial. Considering that the applicants are charged for offence under the Unlawful Activities (Prevention) Act, coupled with other sections of the IPC and the maximum punishment can be awarded up to life imprisonment, in the opinion of this Court, there is nothing to view the present applications in a different perspective and hence there is no merit in the applications. The applications are dismissed.

4) While rejecting earlier bail applications, it was specifically directed to the Trial Court to expeditiously deal with the matter. Such directions are still operative, and it is expected that the Trial Court shall deal with the matter, as expeditiously as possible, considering the gravity of the charges against the applicants and considering their custody and they being of young age. As such the applications are accordingly disposed of.

(A. R. JOSHI, J.)