

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

**CRIMINAL APPLICATION NO. 2022 OF 2018
IN
CRIMINAL APPEAL NO. 75 OF 2019**

1. Mr. Prajyot Baliram Patil Applicants/Accused
2. Sangram Sharad Khopade (Ori. Accused 1 and 2)

Vs.

The State of Maharashtra Respondent

Ms. Pooja R. Thakur for the Applicants.
Mr. A.A. Palkar for State- Respondent

**Coram : NITIN W. SAMBRE, J.
Date : 26th November 2019**

P.C.:

1. The applicants-accused have been convicted by the learned Special Judge (MCOC Act) and Additional Sessions Judge, Raigad-Alibag for an offence under Section 307 read with 34 of the Indian Penal Code and Section 27(1) of the Arms Act in Special MCOC Case No. 8 of 2013.

2. The applicants-accused were acquitted of the offences punishable under Sections 3(1)(ii) of the M.C.O.C. Act.

3. In the aforesaid trial, the accused were taken in custody on 12th September, 2012 as is reflected from the testimony of PW-31, Assistant Commissioner of Police, who at the relevant time was attached to Kharghar Police Station in the capacity of Senior Police Inspector.

4. The accused have already suffered jail term of 7 years out of 10 years and as such relying on the judgment of the Hon'ble Apex Court in the matter of Vinod @ Sai D. Ghogale Vs. The State of Maharashtra in Criminal Appeal No.1724 of 2017 (decided on 3rd October, 2017) sought release on bail.

5. From the record, it depicts that the applicants-accused are already acquitted of the offence under M.C.O.C. Act.

6. In that view of the matter, the following order is passed :

O R D E R

(i) The applicants-accused Prajyot Baliram Patil and Sangram Sharad Khopade are directed to be released on bail in Special M.C.O.C.

Case No. 8 of 2013 subject to furnishing PR. bonds in the sum of Rs.50,000/- each with one or more sureties in the like amount.

(ii) The applicants-accused shall attend the Special M.C.O.C. Court at Raigad-Alibag in 1st week of every English calendar month, so as to mark their presence.

(iii) If the accused persons fail to attend the said Court on two consecutive dates, the bail order passed by this Court shall cease to operate automatically subject to report to that effect received from the Special Court.

(iv) It is clarified that the Special Court shall be at liberty to take in custody, the applicants, if they commit two consecutive defaults in their appearance as ordered above. It shall further forward with a default report of the accused persons to this Court.

(v) The applicants-accused be released on bail, if are not required in any other offences.

(vi) In case it is noticed that the applicants-accused are involved in any cognizable offences, it shall be open for the prosecution to move for cancellation of bail;

7. The application stands allowed in above terms.

(NITIN W. SAMBRE, J.)