

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

CRIMINAL BAIL APPLICATION NO. 2791 OF 2018

Ravi Sukhdeo Sathe	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Abhijeet A. Desai i/b Desai Legal for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.

FRIDAY, 23rd OCTOBER 2020

(THROUGH VIDEO CONFERENCING)

P.C. :

1 Heard learned counsel for the applicant and the learned A.P.P
for the State.

2 This is the second bail application preferred by the applicant,
seeking his enlargement on bail in connection with C.R. No. 305 of 2014
registered with the Hadapsar Police Station, for the alleged offences
punishable under Sections 302, 307, 143, 147, 148, 149, 120B and 153A of
the Indian Penal Code.

3 Learned counsel for the applicant seeks bail on the ground of parity. He submits that after the applicant's first bail application was withdrawn, similarly placed co-accused Sagar Sutar was enlarged on bail by the Hon'ble Supreme Court vide order dated 24th August 2020. Learned counsel for the applicant has produced the said order passed by the Apex Court in Criminal Appeal No. 534/2020 in the case of ***Sagar Sutar vs. State of Maharashtra***. He submits that Sagar Sutar was also identified in the identification parade and there was recovery of a hockey stick and motorcycle at the instance of the said accused Sagar Sutar. He submits that Sagar Sutar also had criminal antecedents. According to the learned counsel, despite the trial Court being directed to expedite and complete the trial within 16 months, the trial has not commenced till date. He submits that all accused except the present applicant, are on bail.

4 Learned A.P.P does not dispute that the role of the applicant is similar to that of Sagar Sutar, who has been granted bail by the Apex Court vide order dated 24th August 2020.

5 Perused the papers. The applicant's first bail application was dismissed as withdrawn vide order dated 29th June 2017. In the said order, it is stated that "after arguing for some time, learned counsel for the

applicant, on instructions, seeks leave to withdraw this application.” Similarly placed co-accused Sagar Sutar’s bail application being Bail Application No. 2011 of 2018 was rejected by this Court vide order dated 16th August 2019. The said order was challenged by Sagar Sutar before the Apex Court. The Apex Court, vide order dated 24th August 2020, released Sagar Sutar on bail, as he was in jail for more than six years and as there was no likelihood of completion of trial in the near future. The role of the applicant is similar to that of Sagar Sutar, who has also been identified by the witnesses, has recovery of an article at his instance as well as antecedents. The applicant is in custody for more than six years and till date, trial has not commenced.

6 Considering that the role of the applicant is similar to that of Sagar Sutar, who has been released by the Apex Court on bail, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- with one or two local sureties in the like amount;

(ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 12:00 noon, till conclusion of the trial;

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant is a resident of Pune and shall not leave Pune City, without the permission of the trial Court;

(v) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vi) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(vii) The applicant shall file an undertaking with regard to clauses (ii) to (vi) in the trial Court, within two weeks of his release;

(viii) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7 The application is allowed in the aforesaid terms and is accordingly disposed of.

8 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9 All concerned to act on the copy of this order, digitally signed by the Senior Private Secretary of this Court.

REVATI MOHITE DERE, J.