

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

CRIMINAL BAIL APPLICATION NO.1985 OF 2019

Sachin Hanumant Kurale

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Datta Mane, for the Applicant.

Ms. Anamika Malhotra, A.P.P for the Respondent – State.

PSI – Pratap Salve, Alankar Police Station, Pune City, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 27th SEPTEMBER 2021

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No.218 of 2017, registered with the Alankar Police Station, Pune City, for the alleged offences punishable under Sections 395, 364A, 120B of the Indian Penal Code and under Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act (MCOC Act).
3. Learned Counsel for the applicant requests for an adjournment. The application is of the year 2019. The concerned Investigating Officer – PSI – Pratap Salve of Alankar Police Station, Pune City has come today

with instructions. Hence, adjournment is not possible.

4. Learned APP states on instructions, that the trial has commenced, inasmuch as, 1 witness has been examined till date. She submits that in all the prosecution intends to examine 59 witnesses i.e. 58 more witnesses. Learned APP has tendered a copy of the order dated 17th February 2021, passed by this Court in Criminal Bail Application No.2086 of 2019, in co-accused – Tejas Jadhav's bail application. As this Court was not inclined to enlarge co-accused – Tejas on bail, the learned counsel appearing for the said accused withdrew the application and as such the application was dismissed as withdrawn. However, the trial was expedited and the learned Judge was directed to conclude the case as expeditiously as possible and in any event, within 12 months from the date of receipt of the order. It is informed that the trial has commenced, inasmuch as, 1 witness has been examined till date.

5. Learned APP submits that the confessional statement of co-accused No.5 – Ramdas @Rambhau Davare and accused No.6 – Aakash @ Akshay Khomane clearly spells out the complicity of the applicant in the present crime. She submits that there is recovery of 53.5 grams of gold, at the instance of the present applicant and as such there are reasonable

grounds for believing that the applicant is guilty of the offences, with which he is charged.

6. Considering the material *qua* the applicant and since the trial has already commenced pursuant to the order dated 17th February 2021, passed by this Court in co-accused – Tejas Jadhav's bail application and since 1 witness has already been examined, the applicant's application stands rejected.

7. The trial Court to decide the case expeditiously within the time frame as directed by this Court vide order dated 17th February 2021, passed by this Court in Criminal Bail Application No.2086 of 2019 in co-accused – Tejas Jadhav's bail application.

8. Accordingly, the Application for bail is rejected and disposed of as such.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.