

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1986 of 2022

Jagdish Bhawarlal Daya .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mrs.Anjali Awasthi for the applicant.
Mrs.A.A.Takalkar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 7th SEPTEMBER 2022

P.C:-

1 The learned counsel Ms.Awasthi has placed on record an order passed by this Court (Justice P.D. Naik) on 15/3/2022 in case of co-accused James Jaffrin Almeida @ Sam while dealing with the application of the said accused vide Criminal Bail Application No. 175/2022, note was taken of the date of his arrest being 29/10/2015.

2 Recording that 20 witnesses are proposed to be examined by the prosecution and the incarceration for approximate 6 ½ years, was held sufficient to release the applicant on bail on account of his prolong incarceration.

 Relying upon the said order, another co-accused Navin Satyavan Malik was also released on bail for the very same reason by order dated 29/7/2022 (Justice A.S. Gadkari). The said

order is also placed on record, wherein long incarceration has been held to be a ground enabling him his liberty.

3 As far as the present applicant is concerned, it is not in dispute that he has been arrested on 31/10/2015 and it is almost 7 years that he is incarcerated.

4 The observations made in para 9 of the order dated 15/3/2022 to the following effect are equally applicable to the present applicant :

“9. It is pertinent to note that about 2 years ago the evidence of first witness is being recorded. His cross-examination is yet to be completed. The report submitted by the learned APP appearing before the trial Court indicates that the prosecution proposed to examine 20 other witnesses and it would take another year to complete the recording of evidence. The applicant is in custody for about 6 and ½ years. The restrictions under section 21(4) of MCOCA Act would not be impediment in granting bail due to prolonged incarceration of accused without trial in the present case”.

5 In the wake of the above, the application deserves to be allowed subject to the following terms and conditions :-

ORDER

- (a) The Applicant - Jagdish Bhawarlal Daya in connection with C.R.No.55/2015 registered with Panvel Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

The applicant shall be released on cash bail of Rs.25,000/- in lieu of sureties for a period of two weeks. During the said period, the applicant shall arrange for the sureties.

- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.
- (d) The Applicant shall report to the Panvel Railway Police Station on first Saturday of trimester between 11.00 am to 1.00 pm.
- (e) The applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)