

GRM

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

CRIMINAL BAIL APPLICATION NO. 3278 OF 2021

DINESH SAKKARYA SAREL

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Pankaj Kavale, Adv. for the applicant.

Mr. N. B. Patil, APP for the Respondent-State.

Mr. P. S. Bodade, PSI attached to Wada Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 14, 2022.

P.C. :

1. Heard learned Counsel for the applicant.
2. This is an application for bail in respect of C.R. No. I-129/2013 for the offence under Sections 397 & 427 of the Indian Penal Code, 1860 read with Section 25(1)(3) of the Arms Act and under Sections 3(1)(ii), 3(2) & 3(4) of the Maharashtra Control of Organised Crime Act, 1999. The date of FIR is 02/07/2013. The applicant was arrested on 12/08/2013. The FIR was registered against 5 to 7 unknown persons. There is no Test Identification Parade held yet. Nothing was recovered from the applicant. The stolen property of Rs. 5,50,000/- has been recovered from other

accused persons. As there were 5 to 7 similar offences registered against the applicant, the provisions of MCOC Act invoked on 28/11/2013 and Sections 3(1)(ii), 3(2) & 3(4) of MCOC Act came to be added. The alleged incident in respect of which the above C.R. came to be registered, is on the complaint made by the jewellery shop owner, whose shop was looted by the unknown persons. It is further alleged that the applicant was one of them.

3. I am informed that even charges are not yet framed. The applicant is in custody for more than 9 years and couple of months from 11/08/2013.

4. Learned Counsel for the applicant orally submits on instructions that in the other cases, except for one case, the applicant has been acquitted.

5. Be that as it may, factually the applicant is in custody for more than 9 years awaiting for trial to commence which does not appear to be concluding any time soon in the near future. Considering the long incarceration of the applicant, in my opinion, by imposing stringent conditions, the applicant can be released on bail. In the result, the following order is passed :-

ORDER

- (a) Criminal Bail Application No. 3278 of 2021 is allowed.
- (b) The applicant-DINESH SAKKARYA SAREL shall be released on bail in connection with C.R. No. I-129 of 2013 registered with Wada Police Station on his furnishing P.R. Bond of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or more local sureties in the like amount.
- (c) In addition to the aforesaid conditions, considering the reasons mentioned in the application, the applicant shall be released on furnishing temporary cash bail of Rs. 25,000/- (Rupees Twenty-five Thousand Only) in lieu of sureties for a period of six (6) weeks from today.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- (f) The applicant shall not leave the jurisdiction of Greater Mumbai or the area of Greater Mumbai till trial is over. After 4 months, liberty to apply for modification is granted.
- (g) The applicant shall report to the Investigating Officer once in a month on first Monday of every month between

10.00 a.m. & 1.00 p.m. After a period of 4 months, the application for modification, if any, would be considered. Till the condition is modified, the applicant to attend.

(h) Application is disposed of accordingly.

(M. S. KARNIK, J.)