



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

BAIL APPLICATION NO. 264 OF 2023

SARJERAO SANDIPAN WAGHMODE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Umesh R. Mankapure for the Applicant.
Mr. P. H. Gaikwad, APP for the State.
Mr. Bajrang H. Sargar, PC, Jath Police Station, Sangli.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 3, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 365, 363, 364, 307, 324, 452, 143, 147, 148, 149, 120-B, 506 of the Indian Penal Code read with Section 5(27) of the Indian Arms Act and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 registered on 22/10/2016 vide C.R. No.159 of 2016 with Jath Police Station, District Sangli.
- 3.** The applicant is accused No.3 and there are in all 6

accused. The gang leader, who is the cousin brother of the applicant, has 33 cases registered against him. So far as the present applicant is concerned, as per the chart in the affidavit filed by the prosecution which is at page No. 168 of the paperbook, it reveals that the 3 cases are registered against the applicant which is in common with the gang leader. So far as accused No. 6 Sachin Raosaheb Gawade is concerned, this Court by order dated 09/02/2023 in Bail Application No. 1926 of 2022, has enlarged him on bail.

4. The applicant is now in custody for more than 6 years and 11 months with the possibility of trial concluding any time soon appears remote. Considering the role of the applicant and the fact that the co-accused has been enlarged on bail, also having regard to the fact that though there are 3 antecedents reported against the present applicant, the same by itself is not, in my opinion, sufficient to deprive the applicant the facility of enlargement of bail, I am inclined to enlarge the applicant on bail in the facts and circumstances of the present case. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Sarjerao Sandipan Waghmode in connection with C.R. No.159 of 2016 registered with Jath Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Jath police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter in Sangli District after being released on bail, till the trial concludes.
- (g) The applicant shall attend the trial regularly.
- (h) If there is breach of any of the aforesaid conditions,

the prosecution shall be at liberty to seek cancellation of the applicant's bail.

5. The application is disposed of.

(M. S. KARNIK, J.)