



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

BAIL APPLICATION NO. 1318 OF 2023

ANAND AJINATH SATHE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Shubhangi Parulekar a/w Adv. Abhijeet V. Ghule Patil
for the Applicant.

Mr. P. H. Gaikwad, APP for the State.

Nilesh S. Chavan, Chinchwad Police Station.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 06, 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 302, 141, 143, 147, 148, 149 of
the Indian Penal Code (IPC), Sections 25(4) of the Arms Act
and Sections 37(1) and 135 of the Maharashtra Police Act,
1951 registered on 04/07/2020 vide C.R. No.179 of 2020
with Chinchwad Police Station, Pimpri-Chinchwad.

3. My attention is invited to the order dated 21/09/2023
passed by Hon'ble Supreme Court in **Dipak S. Kolhe Vs.**

The State of Maharashtra¹ which reads thus:

¹ Criminal Appeal No. 2932 of 2023

"1. Leave granted.

2. Having heard the learned counsel for the appellant as also the learned counsel for the respondent-State and having perused the appeal papers, including the counter statement filed on behalf of the respondent-State, we deem it appropriate to consider the prayer made in the appeal seeking interim bail.

3. The learned counsel for the respondent-State would, however seek to contend that keeping in view the nature of the offence and the role assigned to the appellant herein, the grant of interim bail to him would not be justified. Even in that circumstance, having referred to the same and also having taken into consideration that the appellant herein was arrested as far back as on 05.07.2020 and has already spent more than three years in custody and further taking into consideration that the trial has not yet started, we are of the opinion that the appellant herein be enlarged on bail.

4. Accordingly, we direct that the appellant herein be enlarged on bail subject to appropriate conditions being imposed by the Trial Court.

5. For the said purpose and for issue of release orders, the appellant shall forthwith be produced before the Trial Court.

6. Ordered accordingly.

7. The appeal is accordingly, disposed of along with the pending application(s), if any."

4. The accused before the Hon'ble Supreme Court was accused No.7. In all there are 9 accused. The applicant is accused No.5. The role of the present applicant is similar to that of co-accused Dipak S. Kolhe who has been enlarged

on bail by the Hon'ble Supreme Court. The applicant was arrested on 04/07/2020. There is no possibility of the trial concluding any time soon.

5. Learned APP while opposing the application for bail submitted that there were as many as 3 criminal antecedents reported against the applicant. From the chart, I found that one antecedent of the year 2010 is under Sections 326, 323 and 34 of the IPC, the second antecedent of the year 2016 is under Sections 399 and 402 of the IPC and Sections 4(25) of the Arms Act and third antecedent is again of the year 2016 is under Sections 379 and 34 of the IPC. In my opinion, the antecedents by itself are not sufficient to deprive the applicant of the facility of bail in the facts and circumstances of the present case. The investigation is complete and the charge-sheet has been filed. The applicant is in custody for more than 3 years. The applicant can be put to stringent conditions. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Anand Ajinath Sathe in connection with C.R. No.179 of 2020 registered with Chinchwad Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.

(c) The applicant shall attend the Investigating Officer of Chinchwad 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 Pune District after being released on bail, till further orders of the trial Court.

(g) The applicant shall attend the trial regularly.

6. The application is disposed of.

(M. S. KARNIK, J.)