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

BAIL APPLICATION NO.1924/2022

SUBHASH SHRIDHAR PATIL

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Aniket U. Nikam a/w. Adv. Piyush Toshnival a/w. Adv.
Aashish Satpute i/b. Adv. Amit Icham for applicant.
Mr. S. V. Gavand, APP for State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 16, 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 395, 341, 342, 452, 114, 400,
120-B of the Indian Penal Code (hereafter 'IPC' for short)
read with Sections 3 and 25 of the Arms Act read with
Section 135 of the Maharashtra Police Act and under
Sections 3(1(ii), 3(2) and 3(4) of the Maharashtra Control
of Organised Crime Act, 1999 (hereafter 'MCOC Act' for
short) registered vide First Information Report (FIR) No.I-

392/2017 with Vashi Police Station.

3. The incident is dated October 27, 2017. The FIR is dated October 27, 2017. The applicant was arrested on November 1, 2017 and now he is in custody for more than five years and two months. In all there are 11 accused. It is contended that the co-accused with similar role i.e. accused no.6-Firoz Abdul Rehman Shaikh and accused no.9-Fahim Akhtar Abdul Majid Khan have been released on bail.

4. Learned APP opposed the application. He fairly states that the role of the applicant is similar to the co-accused who are released on bail. However, he submitted that there are two criminal antecedents of the year 2009 reported against the applicant.

5. Considering that the present allegation pertains to the year 2017, the antecedents reported against the applicant, in my view, are not sufficient to deny the applicant the facility of bail more so when he is an undertrial prisoner for more than five years and two months and when the other co-accused with a similar role have been released on bail.

6. Considering the nature of the allegations and the antecedents, it is necessary that the applicant shall reside outside the jurisdiction of the Thane District till the trial is over. Hence the following order.

ORDER

- (a) The application is allowed.
- (b) The applicant-Subhash Shridhar Patil in connection with FIR No.I-392/2017 with Vashi Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.20,000/- with one or more sureties in the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.
- (d) The applicant shall mark his attendance in the Special Court dealing with MCOC Special Case No.5 of 2018, once in every month, till framing of the charge.
- (e) The applicant shall not enter the area of the Thane District except for the purpose of attending the trial.

7. The application is disposed of.

(M. S. KARNIK, J.)