

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1926 OF 2022

Sachin Raosaheb Gawade

...Applicant

V/s.

The State of Maharashtra

...Respondent

Ms. Rui Danawala i/b Mr. Umesh R. Mankapure for the Applicant.

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

Avinash Lakshman Sagar, Police Naik No. 2082, Jat Polce Thane, Dist. Sangali.

CORAM : N.R. BORKAR, J.

DATE : 09.02.2023.

P.C. :

. This is an application under Section 439 of Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 159 of 2016 registered at Jath Police Station, for the offence punishable under Section 365, 363, 364, 307, 324, 452, 143, 147, 148, 149, 120 (B), 506 of the Indian Penal Code r/w 5(27) of Indian Arms Act and 3 (1)(ii), 3(2), 3(4) of Maharashtra Control of Organised Crime Act, 1999.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

4. The bail is sought on the ground of prolong incarceration as an under trial.

5. The learned Counsel for the applicant submits that the trial had not yet commenced. It is submitted that applicant is in jail for more than six & half years.

6. On the other hand the learned APP submits that applicant is a member of organised crime syndicate formed by Madhukar Dadaso Waghmode. It is submitted that applicant is involved in two more crime. It is submitted that considering the overall facts and circumstances, the applicant may not be released on bail.

7. The learned APP has not disputed the fact that the trial has not yet commenced. The applicant is in jail for more than six & half years. I am therefore inclined to release the applicant on bail. In the result, following order is passed:

ORDER

A) The Application is allowed.

B) The applicant be released on bail in Crime No. 159 of 2016 registered at Jath Police Station, for the offence

punishable under Section 365, 363, 364, 307, 324, 452, 143, 147, 148, 149, 120 (B), 506 of the Indian Penal Code r/w 5(27) of Indian Arms Act and 3 (1)(ii), 3(2), 3(4) of Maharashtra Control of Organised Crime Act, 1999 on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C) The applicant shall not enter into limits of Taluka Jath till conclusion of the trial, except to attend dates before the trial Court.

D) The applicant shall provide the address of the place where he is going to reside after his release and his mobile number to the concerned officer of Jath Police Station.

[N.R. BORKAR, J.]