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

BAIL APPLICATION NO.2365/2022

MAMU MADRASI @ POOJA @

ASHOK GOPAL PATIL

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Viral Rathod for the applicant.

Mr. S. V. Gavand, APP for State.

PSI Sagar Sangale, Kalwa Police Station.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 9, 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 First
Information Report (FIR) No.659/2014 registered with
Kalwa Police Station for the offence punishable under
Sections 143, 147, 148, 149, 302, 307, 326, 324, 323,
506(ii) of the Indian Penal Code, 1860 (hereafter 'the IPC'
for short) read with Section 4 and 24 of the Arms Act and
Sections 37(1), 135 of the Maharashtra Police Act, 1951.

3. The date of the incident is November 16, 2014, at

around 2 a.m. The applicant was arrested on January 12, 2015. The applicant is in custody for almost 8 years. The investigation is complete. The charge-sheet has been filed. I am informed that the trial is not likely to conclude any time soon. Even the charge has not been framed. It is pointed out that the co-accused Sandeep Chavan and Shiva Thakur who are alleged to have similar roles as that of the applicant have been released on bail.

4. Learned APP made an attempt to point out that the ground of parity may not be applicable and hence, the trial Court was justified in rejecting the application of the applicant for bail.

5. Considering that the applicant is in custody for a period of 8 years with no possibility of trial concluding, I am not attaching much importance to the submission made by learned APP. In any case, it is not in dispute that Sandeep and Shiva whose roles are similar to the applicant have been granted bail by the trial Court. The said order has not been challenged. There are no criminal antecedents reported against the applicant. In this view of the matter,

considering the long incarceration of the applicant, the applicant deserves to be released on bail. Hence the following order.

ORDER

- (a) The application is allowed;
- (b) The applicant – Mamu Madrasi @ Pooja @ Ashok Gopal Patil in connection with FIR No.659/2014 registered with Kalwa Police Station, shall be released on bail on furnishing P.R.bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (c) The applicant shall report to the concerned police station once in a month on every Wednesday, between 11.00 a.m. and 1.00 p.m. till further orders;
- (d) The applicant shall attend the trial Court on the dates of hearing regularly;
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.
- (f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer of the concerned Police

Station and shall keep him updated, if there is any change.

- 6.** The application is disposed of.

(M. S. KARNIK, J.)