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

BAIL APPLICATION NO. 2800 OF 2022

Mahesh Munna Pal ..Applicant
VS.
The State of Maharashtra ..Respondent

Mr. Pradeep D. Dalvi, for the Applicant.
Mr. S. V. Gavand, APP for the State.
API- Dinkar Cakor, Kalyan Taluka, Thane present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 25, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for bail in respect of C.R.No. I-123 of 2015 dated 21/05/2015 registered with Kalyan Taluka Police Station for the offence punishable under sections 307, 143, 147, 148, 149, 504, 507, 427, 120-B of the Indian Penal Code, 1860 ("IPC", for short) and section 3(1), 25 r/w 27 of the Indian Arms Act and sections 3(1)(ii) and 3(2) r/w 3(4) of Maharashtra Control of Organised Crime Act, 1999 (hereafter 'MCOCA', for short).

3. The applicant was arrested on 23/05/2015 for the offence punishable under the aforesaid sections registered at Kalyan Taluka Police Station wherein FIR was filed on 21/05/2015. The applicant was released on bail after undergoing 4 years and 10 months as an under trial prisoner. The applicant is alleged to have violated the condition of bail which was granted by order dated 03/03/2020. By order dated 14/06/2022 passed by this Court, the bail granted to the applicant was cancelled and he was directed to surrender. The applicant accordingly surrendered on 24/06/2022. The trial has not so far commenced. As of now, the applicant has undergone total period of 5 years and 5 months as under trial prisoner. Even post cancellation of bail, the applicant is in custody for a period of almost 7 months. As the trial is yet to commence and even post cancellation, the applicant has spent a period of 7 months in custody, I am inclined to release the applicant on bail. The applicant is put to notice that if hereafter it is found that the applicant is violating any of the conditions imposed by this Court, a strict view will

be taken. The breach of condition which was taken into consideration by this Court while cancelling the bail was that the applicant entered into the jurisdiction of Kalyan Taluka Police Station on 01/07/2021 and participated in the procession of co-accused Ganesh Mhaskar. The applicant indulged in the act of unlawful assembly by lighting firecrackers and created terror in the said area. Pursuant to the order of this Court dated 14/06/2022, the applicant surrendered. The applicant needs to be shown indulgence in view of what is discussed above. Hence, the following order.

ORDER

- (i) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.2,00,000/- with one or two local solvent sureties in the like amount;
- (ii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- (iii) The applicant shall not enter the jurisdiction of Murbad and Kalyan Taluka Police Station, except for

the purpose of attending the court case in Kalyan, on the dates given by the trial Court;

(iv) The applicant shall not contact the complainant, witnesses or any person concerned with the case;

(v) The applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing and shall not impede the conduct of the trial;

(vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the applicant, in the Registry of the trial Court, within one week of his release;

(vii) It is made clear, that if there is breach of any of the conditions, as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

4. The application is disposed of.

(M. S. KARNIK, J.)