

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 2799 OF 2022****WITH****INTERIM APPLICATION NO.3897 OF 2022**

Ankush Sandipan Shette

.....Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Prabhanjay R. Dave a/w Adv. Ashray P. Dave, Adv. Pradeep P. Kumawat for the Applicant.

Mr. Sanjeev Kadam for the Intervenor-Applicant in Interim Application No.3897 of 2022.

Mr. A.D. Kamkhedkar for the Respondent-State.

Mr. Gokulsingh Patil, ACP, I.O. and Mr. Sunil Sonawane (Pairavi) PSI, Charkop Police Station, Mumbai present.

CORAM : A. S. GADKARI, J.

DATE : 19th OCTOBER, 2023.

PC.:-

1) This is a successive Application for bail by the Applicant in C.R. No. 115 of 2017 dated 19th March, 2017 registered with Charkop Police Station, Mumbai under Sections 376(2)(n), 420, 506(1), 114 of the Indian Penal Code, under Section 4 and 21(1) of POCSO act, 2012 and under Sections 2(2), 3(2) and 3(3) of The Maharashtra Prevention of Eradiction of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013.

2) The earlier Bail Application bearing No.664 of 2018 preferred by the Applicant was dismissed as withdrawn by an Order dated 25th June, 2018 granting liberty to the Applicant to file a fresh Application for bail if the trial arising out of the said crime, culminated into the Sessions case No.207 of 2017 does not commence within a period of one year from the date of said Order.

3) Record indicates that, the trial of the present crime has already commenced and the cross-examination of P.W. No.2 is in progress. The Applicant is behind bars for last more than six and half years.

4) Present Application is filed predominantly on the ground that, the Applicant is in incarceration without conclusion of trial for more than six and half years for the offences as noted in the foregoing paragraph.

4.1) After applying the principles enunciated by the Hon'ble Supreme Court in the case of *Union of India V/s. K. A. Najeeb reported in (2021) 3 SCC 713*, followed by this Court in the case of *Anil Shankar Patil V/s. The State of Maharashtra (Bail Application No.33 of 2022, dated 29th July, 2022)*, this Court is of the view that, the Applicant can be released on bail on the ground of prolonged incarceration without trial.

5) Mr. Kadam, learned Advocate appearing for the informant expressed apprehension that, if the Applicant is released on bail, he may tamper with the evidence and/or pressurize the witnesses. The said

apprehension can be taken care of by imposing stringent conditions upon the Applicant.

6) In view of the above, Applicant is entitled to be released on bail.

Hence, the following Order:-

- (i) Applicant be released on bail in C.R. No.115 of 2017 registered with Charkop Police Station, Mumbai on his furnishing P.R. bond in the sum of Rs.40,000/- with one or more local sureties to make up the said amount.
- (ii) During the pendency of the Special Case No.207 of 2017, the Applicant shall not enter the jurisdiction of Mumbai Police Commissionerate except for attending the said trial pending before the learned Sessions Judge at Dindoshi, Mumbai.
- (iii) Before his actual release from jail, the Applicant shall submit the documents of his prospective residential address to the Charkop Police Station so also to the trial Court.
- (iv) After his release from jail, the Applicant shall attend all the dates before the trial Court, except precluded on medical ground.
- (v) The Applicant shall not tamper with the evidence and/or

pressurize the prosecution witnesses.

- 7) Application is allowed in the aforesaid terms.
- 8) In view of disposal of Bail Application, Interim Application No.3897 of 2022 does not survive and is also disposed off.

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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MASHALKAR
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2023.10.23
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