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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4181 OF 2021
WITH
INTERIM APPLICATION NO. 3078 OF 2021
IN
BAIL APPLICATION NO. 4181 OF 2021
(THROUGH JAIL)**

Prakash Damu Kadav ..Applicant
VS.
The State of Maharashtra ..Respondent

Adv. A. M. Nadar for the Applicant.
Mr. S. H. Yadav, APP for the State.
PSI Ganesh Tarage, Wada Police Station, Palghar.

**CORAM : M. S. KARNIK, J.
DATE : FEBRUARY 7, 2023.**

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for bail in respect of the offence punishable under Sections 397, 427 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 25(1)(3) of the Indian Arms Act read with Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (hereafter 'MCOCA', for short) registered vide First Information Report (FIR) No.I-129/2013 with Wada Police Station.

3. The applicant was arrested on July 2, 2013. He is languishing in custody as an under-trial prisoner for more than nine years and five months. The applicant's application for bail was rejected by the trial Court on September 8, 2015. I am informed that even the charge has not been framed in the trial proceedings.

4. Learned counsel for the applicant relied upon the decision of this Court in the case of **Pravin Dilip Waghela vs. State of Maharashtra**¹ where this Court observed that the embargo under the provisions of Special Acts shall not be an impediment in grant of bail by this Court on the ground of incarceration of accused in custody for a long time, more particularly in the light of various decisions of Supreme Court.

5. Considering the length of custody the applicant has undergone, the applicant is enlarged on bail. Hence the following order.

ORDER

(a) The application is allowed.

(b) The applicant in connection with FIR No.I-129/2013 with Wada Police Station, shall be released

¹ CrI. B.A.No.523/2022 decided on April 26, 2022.

on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall report to the Investigating Officer of the concerned police station once in a month on every Saturday, between 11.00 a.m. and 1.00 p.m.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

6. The application is disposed of.

7. The Interim Application is also disposed of.

8. I express my gratitude for the able assistance rendered by learned counsel Shri A. M. Nadar who appeared on behalf of the applicant and argued in support of the applicant's case.

9. This order be communicated to the applicant through Jail Authorities.

(M. S. KARNIK, J.)