



Diksha Rane

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

**BAIL APPLICATION NO.2977/2023
WITH
BAIL APPLICATION NO.2988/2023
WITH
BAIL APPLICATION NO.2978/2023**

DHANANJAY VITTHAL GAWADE
VS.

..APPLICANT

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. B. L. Jagtap a/w. Adv. Sachin R. Pawar for the applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 29, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. These are the applications for bail filed by the applicant in respect of the C.R.No.446/2018 for the offence punishable under Sections 384, 386 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 13/4/2018 with Virar Police Station, C.R.No.430/2018 for the offence punishable under Sections 384, 386, 504, 506 read with 34 of the IPC registered on 10/4/2018 with Virar Police

Station and C.R.No.402/2018 for the offence punishable under Sections 384, 385, 386, 506, 500 read with 34 of the IPC registered on 4/4/2018 with Virar Police Station.

3. The offence under Section 386 of the IPC is punishable with maximum sentence of 10 years rigorous imprisonment. The applicant was arrested in April, 2021 and now is in custody for more than two and half years.

4. My attention is invited to the order dated 13/2/2023 passed by the Hon'ble Supreme Court in Petition(s) for Special Leave to Appeal (Crl.) No (s).11651-11653/2022 which reads thus:-

Upon hearing the counsel the Court made the following

ORDER

Heard learned counsel for the parties.

The petitioner is seeking post arrest bail in reference to three FIRs bearing Nos.402/2018, 430/2018 and 446/2018 which are registered on 04.04.2018, 10.04.2018 and 13.04.2018.

Learned counsel for the respondent/State informs that in the three FIRs charge sheet has been filed. The petitioner was the former Corporator of Municipal Corporation for the period 2015-2029 and the allegation against him is that by using his position to extort money by giving threat to demolish the construction. It is also informed that in one of the FIRs no. 1174/2021 , bail was

granted by the High Court on 17.11.2022 on the same date by the same learned Judge.

After going through the counter filed by the respondent/State and taking note of the post antecedents of the petitioner, this Court at this stage is not inclined to grant indulgence of post arrest bail to the petitioner. Accordingly, the special leave petitions are dismissed.

Since after filing of charge sheet in all the three FIRS, the charges have been framed on 10.12.2021, the petitioner is at liberty to renew his application for bail before the Trial Court after material prosecution witnesses are examined. The Trial Court is directed to record the statement of material prosecution witnesses at the earliest within six months.

Pending application(s), if any, stands disposed of accordingly.”

5. Learned APP while opposing the application contended that the accusations are serious in nature. However, it is pointed by learned counsel for the applicant that the material witnesses have already been examined by the trial Court and only the statement of the applicant under Section 313 of the Code of Criminal Procedure is to be recorded.

6. Considering the nature of the accusations and the stage at which the trial is and in view of the order passed by the Hon’ble Supreme Court, I am of the opinion that further

custody of the applicant is not necessary as there is nothing on record to indicate that the applicant will abscond and in any case as there is no question of now tampering with the material witnesses. The investigation is complete. The charge-sheet has been filed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Dhananjay Vitthal Gawade in connection with Cr.No. 402/2018, C.R.No.430/2018 and C.R.No. 446/2018 registered with Virar Police Station shall be released on bail on his furnishing P.R. Bonds of Rs.50,000/- in each C.R. with one or more local sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail sureties in the sum of Rs. 50,000/- in each C.R. for a period of 6 weeks in lieu of sureties.
- (d) The applicant shall attend the Investigating Officer of Virar police station once in a fortnight, on first and third Sunday of every Month, between 11.00 a.m. and 1.00 p.m. till the trials conclude.
- (e) 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.

(f) 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.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall not leave the area of Palghar District without prior permission of the trial Court till the trials conclude.

(i) The applicant shall surrender his passport, if any, to the investigating officer.

7. The applications are disposed of.

(M. S. KARNIK, J.)