

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**BAIL APPLICATION NO. 3627 OF 2023**

Ambadas @ Dada Tayappa Pawar                      ...Applicant

Versus

The State of Maharashtra                      ...Respondent

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Mr. Rahul Dhaigude for the Applicant.

Mrs. M. M. Deshmukh, APP for the State.

Mr. Naik, API, Khadak Police Station, Pune City, Present.

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**CORAM : N.R. BORKAR, J.**  
**DATED : 20 DECEMBER 2023**  
**(IN CHAMBER)**

**P.C. :-**

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 40 of 2016 registered at Khadak Police Station, Pune City for the offences punishable under Sections 395, 120-B, of the Indian Penal Code and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. The learned counsel for the applicant submits that the applicant is in jail for more than seven years and nine months. It is submitted that, this Court considering the long incarceration of the applicant as under-trial prisoner by order dated 17 January 2023 in Bail Application No. 2302 of 2022 filed by the applicant, directed that the trial Court shall endeavour to conclude the trial within a period of nine months. It is submitted that the trial has not yet commenced. It is submitted that this Court has released the other co-accused on the ground of prolong incarceration as an under-trial prisoner. It is thus submitted that the applicant may be released on bail.

5. On the other hand, the learned APP for the respondent-State submits that the applicant is the gang leader of organized crime syndicate and is involved in nine more crimes. It is submitted that considering the seriousness of offence, the applicant may not be released on bail.

6. Admittedly, the applicant is in jail for more than seven years and nine months and the trial has not yet commenced. This Court has released other co-accused on the ground of prolong incarceration. Considering the facts and circumstances, I am inclined to release the applicant on bail on certain conditions:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 40 of 2016 registered at Khadak Police Station, Pune City for the offences punishable under Sections 395, 120-B, of the Indian Penal Code and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999 on furnishing PR bond in the sum of Rs. 1,00,000/- with one or more sureties in the like amount.
- (iii) The applicant shall not enter into Pune district till conclusion of trial except to attend the dates before the trial Court.
- (iv) The applicant shall provide the details of place where he would reside after his release on bail to the trial Court and concerned Police Station.
- (v) The applicant shall attend the Police Station within whose jurisdiction he would reside after his release once in a month i.e., on first Saturday till conclusion of trial.

**( N.R. BORKAR, J. )**