

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3625 OF 2023**

Ajaykumar Harishankar Pal	.. Applicant
Versus	
The State of Maharashtra	.. Respondent
...	

Mr.Rajendra Rathod a/w Mr. Aamir Koradia, Mr. Zeeshan Sardar for the Applicant.

Mr.Vaibhav Bagade, Special PP for respondent.

Mr. Prakash Sawant, API, Unit 12, DCB, CID, Dahisar (e) Mumbai.

**CORAM: BHARATI DANGRE, J.
DATED : 14th DECEMBER 2023**

P.C:-

1 On 16/04/2021, by a reasoned order the bail application of the applicant was rejected as he faced accusations in C.R. No. 249 of 2018, which had invoked, section 302, 307, 120 (B) of IPC and Section 3, 25 and 27 of the Arms Act.

 In connection with the said C.R. he came to be arrested on 24/04/2019, and considering his role, which has surfaced through the charge-sheet, I deemed it appropriate to refuse the relief prayed for and his application was rejected.

2 The present application filed for the second time seek his release on bail on two grounds, his long incarceration with the culmination of the trial not appearing in foresight and the release of co-accused, Amit Niranjana Singh, Brijesh Nathuram Patel, as well as Satendra @ Sonu Ramji Pal on bail, on the ground of their long incarceration by relying upon the decision of the Hon'ble Apex Court

in case of *Union of India vs. K. A. Najeeb*, (2021), 3 SCC, 713.

3 It may be true that there is sufficient material in the charge-sheet to frame the charge against the applicant, but the question remains how long shall he be asked to wait. Since, his arrest from 24/04/2019, he is incarcerated and the ordeal of trial, which he has to undergo would be a long drawn process with around 70 witnesses to be examined and 9 accused to be tried.

Thought the applicant would take the consequences of the material compiled in the charge-sheet, when he undergo the trial, but as an under-trial accused, he cannot be further incarcerated, as down the line for more than 4 years, though the charge is framed, not a single witness has been examined. Since the co-accused are released on bail on the ground of long incarceration, I find no justification to extend the said benefit to the present applicant, who, deserve his release on bail, subject to the following conditions:

: ORDER :

- (a) Application is allowed.
- (b) Applicant -Ajaykumar Harishankar Pal, shall be released on bail in connection with C.R.No. 249 of 2018 registered with Kurar Police Station on furnishing P.R. Bond to the extent of Rs.50,000/- with one or more sureties in the like amount.
- (c) The applicant shall mark his attendance with the concerned Police Station on first Friday of every month between 3:00 to 5:00 p.m.
- (d) 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.

(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) The applicant shall not step into the jurisdiction of Kurar and Samtanagar Police Station, during the conclusion of the trial except for the purpose of marking his attendance in the Police Station.

(g) The applicant shall attend the trial on regular basis.

(h) If there are two consecutive defaults in attending the Police Station, the prosecution will be at liberty to bring it to the notice of the Sessions Judge.

(SMT. BHARATI DANGRE, J.)