



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

BAIL APPLICATION NO. 3708 OF 2023

1. AMOL NARAYAN SHINDE
2. AMAR DINKAR SHEWALE ..APPLICANTS
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Satyam Nimbalkar i/b Mr.Abhishek U. Arote, for the Applicants.

Ms. Veera Shinde, APP for the State.

PSI-Mr. Mulki of Nigdi police station present.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 13, 2023

P.C. :

1. Heard learned counsel for the applicants and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under sections 302, 307, 143, 144, 147, 148, 149 read with 34 of the Indian Penal Code, 1860 and under sections 3(1) and 25 of the Arms Act registered on 10/12/2014 vide C.R. No. 530 of 2014 with Nigadi police station, Pune.

3. On merits, the order dated 04/05/2023 passed by this Court in Bail Application No. 1148 of 2023 in respect of the co-accused-Sunil Ramdas Suryavanshi will squarely apply to

the present applicants also. The relevant portion of the said order reads thus :

“3. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.\

4. The bail is sought on the ground of prolonged incarceration as an under-trial prisoner.

5. Learned counsel for the applicant submits that the applicant is in jail for about 8 years and 6 months. It is submitted that this Court vide order dated 10 February 2017 in Criminal Bail Application No. 1984 of 2016 directed the trial Court to conclude the trial, as expeditiously as possible and preferably within twelve months. It is submitted that inspite of it, the prosecution has examined only few witnesses and therefore, the trial is not likely to conclude in near future.

6. On the other hand, learned APP submits that the trial has commenced and the prosecution has already examined four witnesses. It is submitted that endeavour will be made to complete the examination of the prosecution witnesses within three months.

7. In view of the order passed by this Court, the trial ought to have been over in the year 2018 itself. The applicant is in jail for about 8 years and 6 months and there are no other criminal antecedents. Considering the overall facts and circumstances, I am inclined to release the applicant on bail.”

4. Learned APP while opposing the application for bail submitted that there are criminal antecedents reported against the applicant no.1 – Amol Narayan Shinde. In my opinion, considering the long incarceration, antecedents by

itself should not be a factor to deprive the applicant the facility of bail. In any case, one antecedent is reported under Gambling Act. The trial is likely to take some time to conclude. I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicants Amol Narayan Shinde and Amar Dinkar Shewale in connection with C.R. No.530 of 2014 registered with Nigadi police station shall be released on bail on their furnishing P.R. Bond of Rs.25,000/- each with one or more sureties in the like amount.
- (c) The applicants 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 applicants shall not tamper with evidence.
- (d) On being released on bail, the applicant shall furnish their contact numbers and residential addresses to the investigating officer and shall keep him updated, in case there is any change.
- (e) The applicants shall attend the trial regularly. The

applicants shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(f) The applicants shall surrender their passports to the investigating officer. If the applicants do not have passports, they shall file the affidavit to that effect.

5. The application is disposed of.

(M. S. KARNIK, J.)