

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

CRIMINAL BAIL APPLICATION NO.3930 OF 2022

Ganesh @ Pintya Bhaskar Jogdand	...	Applicant
Versus		
The State of Maharashtra		
Through Samtanagar Police Station	...	Respondent

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Mr. Anjaykumar Kori @ Gitanjali Vasava for the Applicant.

Mr. K.V. Saste, APP for the Respondent State.

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CORAM : NITIN W. SAMBRE, J.

DATE : 8 AUGUST 2023

P.C.

. The applicant is seeking bail claiming parity with the co-accused Abhishek @ Abhir @ Blacky Sudam Mane, who was ordered to be released by the Sessions Court by the Order dated 29 September 2022, purely on the ground of delay in deciding the trial. Counsel for the Applicant submits that the Applicant is also behind the bar for last almost five years. According to him, in view of the law laid down by the Apex Court in the case of **Indrani Pratim Mukerjea Vs. Central Bureau of Investigation**¹, the applicant is entitled to be released, as trial did not likely to be concluded in recent future in view of the large number of witnesses yet to be examined.

¹ SLP No.1627 of 2022 decided on 18 May 2022

2 Learned APP for the State submits that the trial is fixed for framing charge. According to him, there is enough material available against the Applicant to infer his *prima facie* involvement in that of conspiracy.

3 I have appreciated the submissions.

4 The applicant along with the other co-accused have committed an offence of a murder. The applicant had provided the auto rickshaw from which not only the weapons used in the offence were recovered, but also the said auto rickshaw which was used for transporting the accused persons was also recovered. The applicant was driving the said auto rickshaw at the relevant time.

5 Apart from above, the release of the co-accused Abhishek @ Abhir @ Blacky Sadam Mane with whom the applicant is seeking parity is under cloud as the same orders are informed to be under challenge at the behest of the complainant.

6 Apart from above, the reliance placed by the applicant in the matter of **Indrani Mukerjea** (supra), will be of hardly any consequence as in the said matter, a woman accused, was behind

bar for more than six and half years, which is not the case in hand. That being so, having regard to the fact that there is a *prima facie* evidence available against the Applicant of his direct involvement in the offence in question, the trial being fixed for framing of charge, no case is made out by the Applicant for grant of bail.

7 The application stands rejected.

(NITIN W. SAMBRE, J.)

RAJESH
VASANT
CHITTEWAN

Digitally signed by
RAJESH VASANT
CHITTEWAN
Date: 2023.08.11
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