



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

BAIL APPLICATION NO. 4085 OF 2023

MAHENDRA SUBHASH SURYAWANSHI	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Mr. Aashish Satpute, for the Applicant.
Mr. Y.Y.Dabke, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 21, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under sections 342, 364-A, 395 read with 120B of the Indian Penal Code, 1860 registered on 24/01/2015 vide C.R. No.I-49 of 2015 with Pimpri police station, Pune. The applicant was arrested on 25/01/2015.
3. The application is opposed by learned APP.
4. The co-accused Mahendra Gorakh Tagadkar is enlarged on bail by the order dated 06/12/2023 passed by this Court in Bail Application No. 2318 of 2023. The relevant portion of the said order is reproduced which reads thus :

“2. Learned APP for the State submits that though the investigating officer was asked to attend the Public Prosecutors’ Office for taking instructions, the investigating officer is not present.

3. This is an application for bail in respect of the offence punishable under Sections 342, 364-A, 395 read with 120-B of the Indian Penal Code (hereafter ‘IPC’ for short) registered on 24/1/2015 vide C.R. No.I-49/2015 with Pimpri Police Station, Pune.

4. I have perused the earlier orders dated 3/11/2023 and 6/11/2023. The applicant was arrested on 25/1/2025 and now is in custody for more than eight years and ten months. Though the trial has commenced, in the order dated 6/11/2023 it has been recorded that the learned District Judge who was dealing with the matter has retired, and the matter is to be allotted to any other Judge.

5. There is now no question of tampering with the witnesses. According to learned counsel for the applicant, as per his instructions, there is no criminal antecedent reported against the applicant.

6. The applicant is in custody for more than eight years and ten months. The applicant does not appear to be a flight risk. In the facts and circumstances of the present case, considering long incarceration of the applicant with nothing on record to indicate that the trial is being protracted at the instance of the applicant, the applicant can be enlarged on bail by imposing conditions.”

5. It is submitted by learned APP that the parity may not apply. However, considering long incarceration of the applicant, I am inclined to enlarge the applicant on bail. Learned counsel for the applicant on instructions submits that the evidence of the informant is in progress but the trial

is presently not progressing in view of the reasons which have been mentioned hereinbefore in the order by which the co-accused Mahendra Gorakh Tagadkar has been released on bail. I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Mahendra Subhash Suryawanshi in connection with C.R. No.I-49/2015 registered with Pimpri Police Station, Pune, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Pimpri police station, Pune, once in a fortnight, on first and third Sunday of every Month, between 11.00 a.m. and 1.00 p.m. till the trial concludes.
- (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 not leave the State of Maharashtra without prior permission of the trial Court.

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

(i) The applicant shall surrender his passport, if any, to the investigating officer. If the applicant does not have passport, he shall file the affidavit to that effect.

6. The application is disposed of.

(M. S. KARNIK, J.)