



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

42 BAIL APPLICATION NO. 76 OF 2024

AJAY ASHOK MANDVE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Kotkar Sanjay D.
APP for Respondent-State : Mr. S. M. Ganachari.

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CORAM : S. G. MEHARE, J.

DATE : 29.07.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.669 of 2021 registered with Shrirampur City Police Station, District Ahmednagar, for the offences punishable under Sections 395, 394, 458, 120-B read with Section 34 of the IPC and Sections 3(1)(ii), 3(2) and 3(4) of the MCOC Act.
3. The applicant has been arraigned as an accused in the crime. Prosecution case is based upon the recovery of the golden ornaments from the car of the applicant. Prosecution has a case that he was involved in many similar organized crimes. The applicant has played an active role. Many poor

people have been looted. Considering the gravity of the offence, he would not get the bail on the ground that there is no progress in the trial.

4. Learned counsel for the applicant would submit that the the applicant was the goldsmith. He has no role to play in the alleged crime. He has been made a scapegoat. The applicant has not been produced before the Court since 11.04.2022. Till date, the charges have not been framed. The prosecution cannot ensure the speedy trial. He has the roots at village Salabatpur, Taluka Nevasa, District Ahmednagar. Hence, there are no chances of his absconding. The applicant is behind bar since 01.10.2021.

5. The roznamas placed on record reveals that the applicant has not been produced in the Court since 11.04.2022. The charges have not been framed. Considering the snail's speed of trial, it appears that the prosecution may not be able to ensure the speedy trial, which is the fundamental right of the accused under Article 21 of the Constitution of India. Recently, in case of *Javed Gulam Nabi Shaikh Vs. State of Maharashtra and others* ; *MANU/SC/0609/2024, dated 03.07.2024*, the Hon'ble Supreme Court has held that where the prosecution does not

ensure the speedy trial, the accused for whatsoever the offence he has been tried has a right to seek the liberty and prosecution cannot opposed the bail. Article 21 of the Constitution applies irrespective of the nature of the crime. The papers reveal that there is no hope of conducting the trial within a reasonable period. Hence, in view of the ratio laid down by the Hon'ble Supreme Court in Javed (supra), the applicant deserves bail on certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **AJAY ASHOK MANDVE** be released on bail on furnishing P.B. and S.B. of Rs.1,00,000/- (Rupees One Lakh only) with one or two solvent surety of equal amount of Rs.50,000/- each, on the following conditions :
 - (a) He shall not leave the place of his residence village Salabatpur, Taluka Nevasa, District Ahmednagar without the leave of his local Police Station.
 - (b) He shall attend the trial on each and every date.

- (c) He shall not involve in the identical crime.
- (d) He shall furnish his cell phone number with the Court with an undertaking that he would not change it till the trial is concluded.
- (e) He should not contact the another co-accused.

(S. G. MEHARE, J.)

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vmk/-