



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

939 BAIL APPLICATION NO. 1681 OF 2024

MOHAN SURESH LASHKARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...

WITH

CRIMINAL APPLICATION NO. 4252 OF 2024

...

Advocate for Applicants : Mr. Ladda Somnath G.

APP for Respondent-State : Mr.A.A.A. Khan

Advocate for victim : Mr.G.R. Syed

...

CORAM : S. G. MEHARE, J.

DATE : 9th October, 2024.

P.C.:

1. Heard the learned counsel for the applicants, the learned APP for the respondent-State and the learned counsel for the victim.
2. The applicants seek bail in Crime No.222 of 2013 registered with Police Station, Newasa, for the offences punishable under sections 302, 120B, 201, 143, 147, 148 and 149 of the Indian Penal Code and section 3/25, 27(3) of the Indian Arms Act and sections 37(1)(3)/135 of the Bombay Police Act.
3. Applicants nos.3 and 5 - Sachin and Ashok are languishing in jail since 2013. Applicant no.2 - Pawan is languishing in jail from 2015. Applicant nos.1 and 4 - Mohan and Sadiq are languishing in jail since 2018. They are claiming bail on the ground of indefinite incarceration. They are also claiming parity on the ground as the Hon'ble Supreme Court granted bail to the other co-accused on indefinite incarceration.

There is no dispute about granting bail to the other co-accused by the Hon'ble Supreme Court.

4. The learned counsel for the victim submitted that the matter is likely to be finished in the near future. The case is posted for the statements of the accused under section 313 of the Criminal Procedure Code. The case was posted for their statements on 01.10.2024. However, on that day, the Presiding Officer was not presiding over the Court as he was transferred. Now, the another Presiding Officer has taken over the charge and the case is fixed for statements of the accused on 15.10.2024. The learned counsel for the victim has expressed an apprehension of their absconding and protracting the trial. This may not be a ground for refusing the bail for their long incarceration. The law takes care if the accused remains absconding. The Court may pass appropriate orders and proceed ahead. It may be a risk for the accused also. Considering the view taken by the Hon'ble Supreme Court on indefinite incarceration of the accused and completion of the trial, the Court is of view that the applicants deserve bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) Applicants (i) Mohan Suresh Lashkare, (ii) Pawan Somnath Narula, (iii) Sachin Chandrakant Chavan, (iv) Sadiq Bashir Shaikh and (v) Ashok Jalindar Jagtap be released on bail

in the above Crime for the aforesaid offences, on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of like amount by each of them, on the following conditions :

- (a) They should not tamper with the prosecution witnesses.
 - (b) They should attend the trial on each and every date and co-operate with the Trial Court to conclude the trial.
 - (c) They should not involve in an identical crime.
 - (d) They should not enter Newasa town till the trial is concluded.
- (iii) Criminal Application No.4252 of 2024 stands disposed of.

(S.G. MEHARE, J.)

sga