

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

**BAIL APPLICATION NO. 673 OF 2023
WITH
INTERIM APPLICATION NO.3638 OF 2023**

Mayur Rajendra Jadhav ...Applicant

Vs.

State of Maharashtra ...Respondent

Mr. B. A. Lawate with Samir Bansode, Advocate for Applicant.

Mrs. Veera Shinde, APP for State-Respondent.

Mr. Milind Deshmukh, for Applicant in IA.

Mr. Kenekar, API, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 9th JULY, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 49 of 2019, registered with Satara City Police Station, for the offences punishable under Sections 302, 387, 120-B and 341 read with Section 34 of the Indian Penal Code, 1860, Sections 3(1)(i)(ii), 3(2) and 3(4) of Maharashtra Control of Organised Crime Act, 1999 ('MCOC Act')

3) The learned Counsel for the applicant makes a submission that the applicant is in jail from last five years and five months. He further submits that there are discrepancies in the eye-witnesses. He lastly argued that considering the period of incarceration and the fact that the charge-sheet has been filed, his further custody is not required.

4) On the other hand, the learned APP strongly opposed the application. She points out that there are eight antecedents against the applicant and he is the gang leader. It is pointed out that the provisions of MCOC Act, 1999 have been invoked in the present matter. She further pointed out that even in jail, the applicant has committed two offences. She therefore submits that if the applicant is released on bail, there is a likelihood that he would commit a similar offence. Accordingly, she prays for rejection of the present application.

5) The learned Counsel for the Intervener reiterated the submissions of the learned APP and prayed for rejection of the bail application.

6) Having considered the charge-sheet and the material collected by the Investigating Officer, it is evident that there is recovery of weapons used in the offence, from the applicant. There are eye-witness which support the case of the prosecution.

7) As far as the discrepancies in the statements of eye-witness are concerned, it is a matter of trial. However, at this stage, the same cannot be

the reason for grant of bail. Moreover, considering the antecedents of the applicant including the offence committed during the custody, there is every likelihood that if the applicant is released on bail, he may commit similar offence.

8) In that view of the matter, considering the seriousness of the offence, I am not inclined for grant of bail.

9) Considering the period of incarceration of the applicant, the trial Court is directed to expedite the trial.

10) Accordingly, the Application is rejected.

11) In view of dismissal of the Bail Application, the Interim Application also stands disposed of.

[ANIL S. KILOR, J.]