

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3599 OF 2024

Shridhar Bapu Ghadge

... Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Satyavrat Joshi i/by Mr. Samay Pawar, for the Applicant.

Ms. P. P. Bhosale, A.P.P. for the Respondent – State.

Mr. Gaikwad (Police Sub-Inspector) and Mr. A.S. Kanade
(Head Constable) Islampur Police Station, District:Sangli
present.

CORAM : MADHAV J. JAMDAR, J.

DATED : 3rd DECEMBER, 2024

PC:-

1. Heard Mr. Satyavrat Joshi, learned Counsel appearing
for the Applicant and Ms. Bhosale, learned A.P.P. for the
Respondent-State.

2. This is second regular Bail Application preferred under
Section 439 of the *Code of Criminal Procedure, 1973*. The
present Applicant has earlier filed Bail Application No.1516 of

2023 and the same has been allowed to be withdrawn by order dated 5th January 2024 with liberty to file a fresh bail application, if the trial is not concluded within a reasonable period.

3. The relevant details in this case are as follows :

1.	C. R. No.	321 of 2022
2.	Date of registration of F.I.R.	19/05/2022
3.	Name of Police Station	Islampur Police Station
4.	Section/s invoked	489(A), 489(B), 489(C), 489(D) IPC.
5.	Date of incident	13/05/2022
6.	Date of arrest	22/05/2022
7.	Date of filing of Charge-sheet	12/08/2022

4. Mr. Joshi, learned Counsel appearing for the Applicant submitted that there are total five accused. Four have been arrested and one is absconding. Out of four accused, who have been arrested, three have been released on bail. He submitted that two accused have been released by the learned Trial Court and insofar as the Accused No.1 – Sangram Suryawanshi is concerned, his bail application has been

rejected by order dated 6th August 2024 passed by a learned Single Judge in Criminal Bail Application No.1821 of 2024. He submits that the said Accused No.1 – Sangram Suryawanshi has challenged the said order by filing Criminal Appeal No.4758 of 2024 before the Supreme Court. He states that the Supreme Court by order dated 25th November 2024 has granted bail to Accused No.1 – Sangram Suryawanshi. He, therefore, submitted that the Applicant be released on bail.

5. On the other hand Ms. Bhosale, learned A.P.P. strongly opposed the Bail Application. She points out the detailed Affidavit-in-Reply dated 14th October 2024 of Sanjay Akaram Harugade, Police Inspector, presently attached to Islampur Police Station, District Sangli. She submits that the Applicant has played major role in the commission of crime. Apart from that there are three antecedents against the Applicant which are mentioned in Paragraph-7 of the said Affidavit-in-Reply and therefore, the Bail Application be rejected.

6. At the outset it is necessary to set out the observations of the Supreme Court in said order dated 25th November 2024, by which bail has been granted to Accused No.1 – Sangram Suryawanshi. The relevant part of the said order reads as under :

“Six Counterfeit currency notes of Rs.500/- each are subject matter of the offence. The appellant has been incarcerated for two and a half years. The counter affidavit filed by the State shows that there are no antecedents. The trial is not likely to conclude in a reasonable time. Therefore, in the facts of the case, the appellant deserves to be enlarged on bail following the well settled rule that bail is rule and jail is an exception.”

Accordingly, we direct that the appellant shall be produced before the Trial Court within one week from today. The Trial Court shall enlarge the appellant on bail till the conclusion of the trial on appropriate terms and conditions, including the condition regularly and punctually attending the Trial Court and cooperating with the Trial Court for expeditious conclusion of the case.”

(Emphasis added)

7. The Supreme Court, while granting bail to Accused No.1 – Sangram Suryawanshi has observed that in view of well settled rule that “*bail is rule and jail is exception*”, the said

Accused No.1 – Sangram Suryawanshi is entitled for bail. The Supreme Court has also taken into consideration that Accused No.1 has incarcerated for two and half years and that there is no possibility of conclusion of the trial in reasonable time. The said observation will also apply to the present case.

8. However, it is also required to be noted that the Supreme Court has also taken into consideration the aspect that as far as Accused No.1 – Sangram Suryawanshi is concerned, there are no antecedents. In the present case as set out in the Affidavit-in-Reply there are three antecedents. The first antecedent i.e. C.R.No.116 of 2008, registered with Atpadi Police Station, District Sangli registered for the offences punishable under Sections 379 of the *Indian Penal Code* and Section 39/192 and 3(1)/181 of the *Motor Vehicles Act, 1988*, it is required to be noted that by Judgment and Order dated 24th February 2011 passed by learned J.M.F.C., Atpadi in Regular Criminal Case No.03 of 2009, the Applicant has been convicted only for offences punishable under Section

3(1)/181 and 39/192 of the *Motor Vehicles Act, 1988* and has been directed to pay fine of Rs.500/- and fine of Rs.2,500/- respectively. However, the Applicant has been acquitted as far as offence under Section 379 read with Section 34 of IPC. The other antecedent i.e. C.R. No.212 of 2013 registered with Khopoli Police Station under Sections 395, 120(B), 171, 323, 504 and 506 of the IPC and Section 25(a) of the *Arms Act, 1959* is concerned, the Applicant has been acquitted by Judgment and Order dated 29th March 2016 passed by the learned Additional Sessions Judge Raigad-Alibag in Sessions Case No.56 of 2014. Insofar as another offence registered with Atpadi Police Station, bearing C.R. No.67 of 2015, the same is registered in the year 2015 and the Applicant has been released on bail in that case.

9. Mr. Joshi, learned Counsel for the Applicant has also pointed out that there are 30 witnesses proposed to be examined by the prosecution in Session Case No.80 of 2022. He submits that till date only six witnesses have been examined. Thus considerable time will be required for

conclusion of the trial. Thus, the case is made out for granting bail particularly as the other accused except the Applicant has been granted bail and in view of the Order dated 25th November 2024 passed by the Supreme Court granting bail to Accused No.1 – Sangram Suryawanshi.

10. The Applicant does not appear to be at risk of flight.

11. Accordingly the Applicant can be enlarged on bail by imposing condition.

12. In view thereof, the following order:

ORDER

(a) The Applicant - Shridhar Bapu Ghadge be released on bail in connection with C. R. No.321/2022 registered with the Islampur Police Station, District - Sangli on his furnishing P. R. Bond of Rs.1,00,000/- with one or two solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his/her cell phone number and residential address to the Investigating Officer and shall keep

the same updated, in case of any change thereto.

- (c) The Applicant shall report to the Islampur Police Station, District - Sangli once a week on every Sunday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.
- (d) 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 such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any,
to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the observations made herein are
prima facie and the Trial Court shall decide the case on its
merits, and uninfluenced by the observations made in this
order.

[MADHAV J. JAMDAR, J.]