

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.3835 OF 2024

Sohal @ Tolaya Gufur Tamboli ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Ramnik Pawar with Samiksha Pawar, Trupti Jambulkar, Samadhan Mahmulkar, Dhanshree Jagdale and Shivtej Tabalkar, for the applicant.

Ms. Priyanka Rane, APP, for the Respondent / State.

PSI, Nitin Babar, Sangli Rural, Police Station, Present.

CORAM : ANIL S. KILOR, J.

DATE : 19TH DECEMBER, 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.191 of 2019, registered with Sangli Rural Police Station for the offences punishable under Sections 395, 397, 120(b) of the Indian Penal Code, Sections 4, 25 and 27 of the Indian Arms Act, 1959 and Sections 3(1) (ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

3. The applicant is seeking parity as the co-accused-Ajay @ Vasudev Bhopal Sonawale is released on bail by this Court on 28th

August 2024 in Criminal Bail Application No.1486 of 2022. While granting bail this Court observed that there was delay in conducting the identification parade.

4. In the above referred backdrop, it is pertinent to note that the applicant is in jail from last five years and except framing of the charge, there is no progress in the trial. There are 74 witnesses and therefore, there is no end of the trial in sight. No doubt, there are antecedents against the applicant. However, considering the observations made by the Hon'ble Supreme Court of India in the case of Mohammad Muslim @ Hussain Vs. State (NCT of Delhi), reported in 2023 SCC OnLine 352, I am of the opinion that as there is unlikelihood that the trial would be concluded in near future, the applicant is entitled for grant of bail considering the period of incarceration and also on the ground of parity.

5. As far as the apprehension expressed by the learned APP, while strongly opposing the present application that if the applicant is released on bail he may commit similar offences, it can be addressed by imposing certain stringent conditions:

6. In the circumstances, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in connection with Crime No.191 of 2019, registered

with Sangli Rural Police Station for the offences punishable under Sections 395, 397, 120(b) of the Indian Penal Code, Sections 4, 25 and 27 of the Indian Arms Act, 1959 and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999, on furnishing PR.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;

iii) The applicant shall not enter the territorial jurisdiction of Sangli and Miraj Districts till conclusion of the trial, except for attending the trial;

iv) The applicant shall provide his address and name of the nearby Police Station to the I.O. which he shall attend on first and sixteenth day of every month between 12:00 noon and 01:00 p.m., till conclusion of the trial, except on the date of the trial.

v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

vi) Liberty is granted to the State to apply for cancellation of bail in case of any breach of condition if the applicant commenced similar offence;

vii) The applicant shall attend the trial before the trial

Court regularly on every date unless exemption is granted by the trial Court.

The application is disposed of.

(ANIL S. KILOR, J)