

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4639 OF 2024

Dattatraya Ramchandra Jadhav Applicant

V/s.

The State of Maharashtra Respondent

NILAM
SANTOSH
KAMBLE

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Mr. Shailesh Dhananjay Chavan, for the Applicant.
Ms. Sangeeta Shinde, APP, for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 4th DECEMBER 2024

P.C:-

1. The learned APP produced copy of the Roznama along with report of Public Prosecutor of Trial Court and Investigating Officer, it is taken on record.

2. By this application, applicant is seeking bail in C. R. No.2 of 2018 registered with Pusegaon Police Station, Vaduj, Satara for offences punishable under Section 143, 147, 384, 452, 120-B, 504, 506 and 507 of the Indian Penal Code ('IPC' for short) and under Section 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act ('MCOC' for short), 1999.

3. It is contention of the learned counsel for the Applicant that, the Applicant is behind bar more than 6 years. The maximum punishment registered against the Applicant is 7 years under Section 452 of IPC but this section will not be applicable against the Applicant. The learned counsel further submitted that, the MCOC sections which are applied against the Applicant, the punishment for these Sections are not less than five years. The Applicant is behind bare more than 6 years and 7 months. The prosecution have examined only five witnesses yet other witnesses are remained to be examined. It may take time to conclude the trial. Hence, requested to allow the Application.

4. The learned APP strongly objected to allow the Application on the ground that, the Applicant is gang leader, various offences are registered against him if he released on bail he may abscond. After registering as present offence against him he was absconded for five months. The learned APP further submitted that, if this Court inclined to allow the Application, the Applicant be directed to file undertaking stating that, he will not indulge in any crime. If any crime registered against him, it will be ground for the cancellation of bail and requested to reject the Application.

5. I have heard both learned counsel. Perused charge-sheet produced on record.
6. The Applicant is behind bar more than 6 years and 7 months. The maximum punishment in the offence registered against the Applicant is 7 years under Section 452 of the IPC i.e. house trespass.
7. It is contention of the learned counsel for the Applicant, this Section will not be applied against the Applicant. In my view, it will be the part of the trial. As the Applicant is behind bar more than 6 years and 7 months. It may take time to conclude the trial. Hence, I pass following order.

ORDER

- (i) The Applicant-Dattatraya Ramchandra Jadhav be enlarged on bail in Crime No.2 of 2018 registered with Pusegaon Police Station, Vaduj, Satara, on executing P. R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police

station once in a month i.e. on first Monday between 11:00 to 3:00 p.m.

(iii) The applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(iv) The Applicant shall attend Court dates regularly.

(v) The Applicant shall file undertaking stating that he will not indulge in any crime while on bail, if any offence is registered against him while on bail, it will be ground for cancellation of his bail.

(vi) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

8. The application is allowed in the aforesaid terms and is accordingly disposed of
9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)