



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.268 OF 2024**

Sanjay Srinivas S. Kondas

... Applicant

versus

The State of Maharashtra and Anr.

... Respondents

Mr. Ujjwal Gandhi for Applicant.

Mr. S.R.Aagarkar, APP for State.

PSI Pacherwal, EOW present.

CORAM: N.J.JAMADAR, J.

DATE : 19 JANUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant is arraigned in Case No.829/PW/2015 arising out of EOW CR No.54 of 2014 (Original C.R.No.37 of 2014 registered with N.M.Joshi Marg Police Station) for the offences punishable under Sections 420, 409, 120B of the Indian Penal Code.
3. The applicant was initially arrested on 7 August 2015. The applicant was released on bail on 12 June 2016. Subsequently, the applicant jumped the bail and again came to be arrested by initiating coercive steps on 5 May 2018. The applicant has been in custody since then.
4. Bail Application No.903 of 2022 preferred by the applicant came to be dismissed as withdrawn as this Court was not inclined to entertain the prayer for bail.

The applicant preferred BA No.609 of 2022. On 12 July 2023, this Court passed the following order :

“In the course of the hearing, learned APP states that trial will be concluded within a period of six months. In the light of said statement, learned Counsel for the Applicant, under instructions, seeks leave to withdraw the application.

2 Leave is granted. Application stands dismissed as withdrawn. Learned trial judge is directed to conclude the trial as expeditiously as possible and in any event within a period of six months without seeking further extension.”

5. Learned Counsel for the applicant submits that the trial has yet not concluded. Second witness is in the box. 4-5 more witnesses are proposed to be examined by the prosecution. The applicant is in custody for more than six years.

6. Learned APP resisted the prayer for bail primarily on the count of the fact that for two years, the applicant was absconding.

7. Nonetheless, the fact remains that the applicant has been in custody for more than six years. Even in the event of the conviction, learned Additional Chief Metropolitan Magistrate can pass a sentence which may extend to seven years. Since the applicant was initially released on bail on merits and came to be subsequently arrested as he jumped the bail, the period of detention since 5 May 2018, is more than adequate for act of jumping the bail. I am, therefore, impelled to exercise the discretion in favour of the applicant.

8. Hence, the following order :

ORDER

- (i) The Application stands allowed.
- (ii) The Applicant – Sanjay Srinivas S. Kondas be released on bail in C.R.No.54 of 2014 registered with EOW, Mumbai on furnishing a PR bond in the sum of Rs.50,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.
- (iii) The applicant shall mark his presence before EOW, Mumbai on first Monday of every month in between 11 am to 1 pm till the conclusion of the trial.
- (iv) The applicant shall not tamper with the prosecution evidence. 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 him from disclosing the facts to Court or any police officer.
- (v) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.
- (vi) The applicant shall regularly attend the proceedings before the jurisdictional Court and shall not seek any adjournment in the trial.
- (vii) The applicant shall deposit his passport before the jurisdictional Magistrate.

(N.J.JAMADAR, J.)