



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

BAIL APPLICATION NO. 335 OF 2024

ANIL LAXMAN SAKPAL

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Satyam Harshad Nimbalkar i/b Adv. Abhishek Arote
a/w Adv. Harshvardhan M. Pawar for the Applicant.

Mr. B.B. Kulkarni, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 27, 2024

P.C. :

- 1.** Not on board. Upon mentioning taken on board.
- 2.** Heard learned counsel for the applicant and learned APP for the State.
- 3.** This is an application for bail in respect of the offence punishable under sections 302, 307, 143, 144, 147, 148, 149 read with 34 of the Indian Penal Code, 1860 and under sections 3(1) and 25 of the Arms Act registered on 10/12/2014 vide C.R. No. 530 of 2014 with Nigadi police station, Pune.
- 4.** On 13/12/2023, in respect of the co-accused this

Court had passed following order while enlarging the applicants therein on bail:

"1. Heard learned counsel for the applicants and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under sections 302, 307, 143, 144, 147, 148, 149 read with 34 of the Indian Penal Code, 1860 and under sections 3(1) and 25 of the Arms Act registered on 10/12/2014 vide C.R. No. 530 of 2014 with Nigadi police station, Pune.

3. On merits, the order dated 04/05/2023 passed by this Court in Bail Application No. 1148 of 2023 in respect of the co-accused-Sunil Ramdas Suryavanshi will squarely apply to the present applicants also. The relevant portion of the said order reads thus:

"3. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.\

4. The bail is sought on the ground of prolonged incarceration as an under-trial prisoner.

5. Learned counsel for the applicant submits that the applicant is in jail for about 8 years and 6 months. It is submitted that this Court vide order dated 10 February 2017 in Criminal Bail Application No. 1984 of 2016 directed the trial Court to conclude the trial, as expeditiously as possible and preferably within twelve months. It is submitted that in spite of it, the prosecution has examined only few witnesses and therefore, the trial is not likely to conclude in near future.

6. On the other hand, learned APP submits that the trial has commenced and the prosecution has already examined four witnesses. It is submitted that endeavour will be made to complete the examination of the prosecution witnesses within three months.

7. In view of the order passed by this Court, the trial ought to have been over in the year 2018 itself. The applicant is in jail for about 8 years and 6 months and there are no other criminal antecedents. Considering the overall facts and circumstances, I am inclined to release the applicant on bail."

4. Learned APP while opposing the application for bail submitted that there are criminal antecedents reported against the applicant no.1 – Amol Narayan Shinde. In my opinion, considering the long incarceration, antecedents by itself should not be a factor to deprive the applicant the facility of bail. In any case, one antecedent is reported under Gambling Act. The trial is likely to take some time to conclude. I am inclined to enlarge the applicant on bail."

5. The applicant was arrested on 19/12/2014 and is incarcerated for a period of more than 9 years. Learned counsel for the applicant submitted that the prosecution proposes to examine 62 witnesses and at present, only 17 witnesses have been examined.

6. Learned APP opposed the application and submitted that the trial is at the fag end and only the Investigating Officer remains to be examined.

7. The trial is likely to take some time to conclude. Considering that the applicant is in custody for more than 9 years as an undertrial and that the material witnesses are

already examined, now there is no possibility of tampering with the witnesses. The applicant does not appear to be a flight risk. On the ground of long incarceration, I am inclined to enlarge the present applicant on bail despite the opposition of the learned APP. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Anil Laxman Sakpal in connection with C.R. No.530 of 2014 registered with Nigadi Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Nigadi police station once in a week, every Sunday, between 11.00 a.m. and 1.00 p.m. till the trial concludes
- (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 him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) 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.

(f) The applicant shall not leave Pune District after being released on bail, till the trial concludes.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall surrender his passport to the investigating officer. If the applicant does not have a passport, the applicant shall file an affidavit before the trial Court to that effect.

8. The application is disposed of.

(M. S. KARNIK, J.)