

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 875 OF 2024

Sandesh Jagdish Dhingra @ Sangya .. Applicant

Versus

The State of Maharashtra .. Respondent

...

Ms.Jyoti Raju Sahu for the applicant.

Smt. K.T. Hiwrale, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 3rd MAY, 2024

P.C:-

1 This is the third Bail Application filed by the applicant; on the first occasion i.e. 30/3/2021, the application was permitted to be withdrawn since I was not convinced with its merits.

On the second occasion, on 30/8/2022, I rejected the Bail Application on merits, by specifically recording that the injuries which had resulted into the death of the deceased, are clearly attributed to the applicant, as there is an eye witness who had narrated the entire incident, when the trio had assembled for consuming liquor on 21/9/2018, recording that prohibitive action was initiated against the applicant on two occasions and was

externed under the Maharashtra Police Act, the application was once again rejected.

2 Today, the applicant make only one grievance i.e. he being arrested on 22/9/2018, the trial is yet to commence and despite charge having been framed on 19/4/2023.

It is true that on the earlier occasion, considering his antecedents, I had refused him the relief, but considering his long period of incarceration which is now almost six years, in case if he is not released on bail, then this would amount to infringement of his fundamental right to have a speedy trial, and time and again, the highest Court of the country as well as this Court has pronounced upon the liberty conferred upon a citizen and which is recognized as the most salutary fundamental right available. Pending the trial, the applicant cannot be incarcerated indefinitely as considering the pressure upon the Sessions Court, and particularly, when the prosecution has cited more than 40 witnesses, the immediate conclusion of the trial appears to be a rare possibility.

In these circumstances, though the antecedents of the applicant are taken note of, in order to ensure that he makes himself available for the trial and do not indulge in any further criminal activity, I deem it appropriate that while enlarging him on bail, certain stringent conditions are imposed upon him. Hence, the following order :-

O R D E R

- (a) Application is allowed.
- (b) Applicant Sandesh Jagdish Dhingra shall be released on bail in C.R.No. 489/2018 registered with Powai police station, on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount. The sureties should be the residents of Powai.
- (c) The applicant shall mark his attendance in Powai Police Station on every Monday between 10:00 a.m and 11.00 a.m.
- (d) The applicant shall provide his current address, telephone number, place of residence and intimate about the change if any, to the concerned Investigating Officer.
- (e) In the event the applicant attempt to establish contact with the prosecution witness, the prosecution has liberty to apply for cancellation of bail and when the Court shall deprive him of his liberty by further incarcerating him while he conducts the trial.
- (f) 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.

(SMT. BHARATI DANGRE, J.)