



Diksha Rane

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

BAIL APPLICATION NO.1882 OF 2023

SHASHIKANT @ KALYA DATTU @
DAPTRYA BHOSALE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. A. B. Kadam for the applicant.
Smt. Megha S. Bajoria, APP for the State.
PSI B. S. Kamble, Karad Traffic Branch, Satara.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 27, 2024.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 396, 458, 120-B, 109 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 3(1)(i)(ii), 3(2), 3(4) 3(5) Maharashtra Control of Organised Crime Act, 1999 (hereafter 'MCOCA', for short) registered on 22/11/2017 vide C.R. No.349/2017 with Umbraj Police Station, Satara.
3. Learned APP opposed the application for bail. She

submitted that there is a recovery of gold ornaments at the instance of the applicant. The applicant is seen in the C.C.T.V. footage and in the test identification parade the applicant is identified by the witnesses. These are the materials on record against the applicant. However, I am inclined to enlarge the applicant on bail on the ground of long incarceration.

4. The applicant was arrested on 27/11/2017 and now is in custody for more than six years and three months awaiting trial. I am informed that the charge has not been framed. The prosecution intends to examine 76 witnesses. There is no likelihood of the trial concluding any time soon.

5. Learned APP on instructions submitted that three of the co-accused who were enlarged on bail are not abiding by the conditions of bail and hence the trial Court has issued non-bailable warrant against them. It is submitted that looking at the conduct of the co-accused, who have been enlarged on bail, this application be rejected. It is further submitted that gang-leader is absconding.

6. Considering the long incarceration of the applicant with no possibility of the trial concluding any time soon, I

am inclined to enlarge the applicant on bail. Though the other co-accused are absconding, this is not a ground to deny the applicant facility of bail in the facts and circumstances of the present case, especially when the applicant has undergone six years and three months of pre-trial custody. Considering that the offences are registered against the applicant at Ahmednagar, Pune and Thane Districts, it is necessary to impose condition that the applicant shall not enter these districts till the trial concludes. The investigation is complete. The charge-sheet has been filed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Shashikant @ Kalya Dattu @ Daptrya Bhosale in connection with C.R. No.349/2017 registered with Umbraj Police Station, Satara, shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.
- (c) The applicant shall report to the nearest police station to the place of his residence while residing outside Ahmednagar, Pune and Thane Districts, once in a week, on every Monday, between 11.00 a.m. and 1.00 p.m.
- (d) Except for attending trial in this case and any other cases, the applicant shall not enter Ahmednagar, Pune and Thane Districts till the trial concludes. The applicant shall intimate the investigating officer two

days in advance about the dates of hearing when he is required to enter these districts.

(e) 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.

(f) 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.

(g) The applicant shall attend the trial regularly.

(h) The applicant shall surrender his passport to the investigating officer.

7. The application is disposed of.

(M. S. KARNIK, J.)