



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2076 OF 2023

Manjeet @ Aaba Mansing Sawant ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Priyal G. Sarda, Advocate, for the Applicant.
Ms. S. S. Kaushik, APP, for the Respondent-State.
Mr. Sandip Deshmukh, A.P.I.-Pimpri Police Station, Pune, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 12th APRIL 2024

PC:-

1. Heard Mr. Sarda, learned Counsel for the Applicant and Ms. Kaushik, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	352 of 2017
2.	Date of registration of F.I.R.	11/04/2017
3.	Name of Police Station	Pimpri, Pune
4.	Section/s invoked	115 r/w. 302, 511, 120, 212, 216, 219, 223, 224, 225, 120-B r/w. 34 of the IPC, 1860;

		3, 5, 25, 27, and 35 of the Arms Act, 1959; 3(1)(ii), 3(2), 3(3), 3(4) and 24 of the Maharashtra Control of Organised Crime Act, 1999 (“MCOC Act”).
5.	Date of incident	10/04/2017
6.	Date of arrest	10/10/2017
7.	Date of filing of Charge-sheet	09/03/2018

3. At the outset, Mr. Sarada, learned Counsel for the Applicant submitted that the Applicant was arrested on 10th October 2017 and is incarcerated since about 6 years and 6 months. He submitted that although the Charge-sheet was filed on 9th March 2018, there is no progress in the trial except for framing of the charge. He stated that the charge was framed on 9th March 2018 and thereafter, no witness has been examined yet. He further submitted that there are total 18 Accused persons, out of which, 12 Accused persons have been released on bail. He submitted that a learned Single Judge (Coram: N. R. Borkar, J.) by Order dated 2nd January 2023 passed in Bail Application No.557 of 2022 granted bail to the co-Accused-Rajesh Jogeshchandra Roy *alias* Raja Bangali and submitted that role of co-Accused is same as that of

the present Applicant and therefore he submitted that the Applicant is entitled to be released on bail on parity.

4. On the other hand, Ms. Kaushik, learned APP for the Respondent-State strongly opposed the Bail Application. She submitted that although the Applicant is incarcerated since several years, he is actively involved in the offence in question. She submitted that even after learning that all the Accused had absconded from Police custody, the present Applicant gave them shelter in the shed at the agricultural land at Wategaon, Sangli. She therefore, submitted that the Bail Application be rejected.

5. Perusal of the record shows that in the present case, the incident in question occurred on 11th April 2017, F.I.R. was lodged on 11th April 2017, the Applicant was arrested on 10th October 2017 and, Charge-sheet was filed on 9th March 2018. Except framing of the charge, there is no progress in the trial. The trial is unlikely to conclude any time soon and is likely to take a considerably long time. The Applicant is behind bars for about 6 years and 6 months.

6. Speedy trial is one of the facets of right to life and liberty guaranteed under Article 21 of the Constitution of India. Speedy trial is an essential ingredient of “reasonable, fair and just” procedure guaranteed by Article 21 and it is the constitutional obligation of the State to devise such a procedure as would ensure speedy trial to the Accused.¹ Therefore, the Applicant is entitled for bail.

7. Apart from that, it is to be noted that a learned Single Judge (Coram: N. R. Borkar, J.) by Order dated 2nd January 2023 passed in Bail Application No.557 of 2022 has granted bail to the co-Accused. The relevant paragraph Nos.5, 6, 7, and 8 of the said order are reproduced here:-

“5. The allegations are of conspiracy to commit the murder of one Kailash Kadam, by the present applicant and other co-accused, who according to the prosecution are members of organized crime syndicate.

6. The learned counsel for the applicant submits that there is no material to connect the applicant with the alleged crime. It is submitted that this court has released some of the co-accused to whom more serious role is attributed.

1 Hussainara Khatoon (IV) v. Home Secy., State of Bihar, (1980) 1 SCC 98

7. On the other hand, the learned APP for the respondent/State submits that the applicant gave shelter to the co-accused who escaped from the custody of police to commit the murder of Kailash Kadam. It is submitted that applicant is a member of organized crime syndicate and therefore he may not be released on bail.

8. I have perused the charge-sheet. Prima facie the applicant does not appear to be a part of the alleged conspiracy to kill Kailash Kadam. The applicant is in jail for more than four years. Considering these facts and circumstances, I am inclined to release the applicant on bail. In the result, following order is passed.

8. Ms. Kaushik, learned APP stated that although, in the affidavit-in-reply, it is stated that there are four antecedents against the present Applicant, however, except for the present offence, there are no other antecedents against the Applicant. Accordingly, *prima facie* rigors of Section 21(4) of the MCOC Act will not apply.

9. There are no criminal antecedents against the present Applicant.

10. Mr. Sarda, learned Counsel for the Applicant states that as several witnesses are from Pune district, the Applicant will not

enter Pune district and that the Applicant will reside at Kalamwadi, Taluka-Walwa, District-Sangli.

11. The Applicant does not appear to be at risk of flight.

12. In any case, this is a case of long incarceration as the Applicant is incarcerated since 6 years and 6 months. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

13. In view thereof, the following order:-

ORDER

(a) The Applicant – Manjeet *alias* Aaba Mansing Sawant be released on bail in connection with C.R. No.352 of 2017 registered with the Pimpri Police Station, District - Pune on his furnishing PR. Bond of Rs.50,000/- with one or two local solvent sureties in the like amount.

(b) The Applicant shall not enter the Pune district after being released on bail, except for reporting to the

Investigating Officer, if called, and for attending the trial.

- (c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall report to the Walwa Police Station, District - Sangli once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Walwa Police Station, District - Sangli to communicate details thereof to the Investigating Officer.
- (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 such a person from disclosing the facts to the Court or to any Police personnel.

- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

14. The Bail Application is disposed of accordingly.

15. It is clarified that observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]