

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

BAIL APPLICATION NO. 2642 OF 2023

Satish Krishna Pujari ... Applicant

Vs.

State of Maharashtra ...Respondent

Mr. Niteen Pradhan with Mr. Shahen Pradhan, for Applicant.

Mr. H. S. Venegavkar with Mr. K. Ali Shaikh, Special Public
Prosecutor for CBI.

CORAM:- N. J. JAMADAR, J.

DATED:- 3rd JANUARY, 2024

PC:-

1) Heard the learned Counsel for the applicant and the
learned APP for the State.

2) The applicant, who is arraigned in CR No. RC-03/E of 2010
registered on 7th May, 2010 at the instance of CBI, BS & FC,
Mumbai for the offences punishable under Sections 120B read
with 116, 201, 419, 420, 465, 467, 468, 471 and 511 of the Indian
Penal Code, 1860 ("the Penal Code") and Sections 13 (2) read
with Section 13 (1) (d) of the Prevention of Corruption Act, 1988,
has preferred this application to enlarge him on bail.

3) The applicant was initially arrested and released on bail in CR No. RC-03/E of 2010 which culminated in CBI Special Case No. 35 of 2011. The applicant did not turn up for trial since the year 2015. Eventually, the applicant was apprehended on 2nd February, 2023. Since then the applicant has been in custody.

4) The learned Counsel for the applicant submitted that undoubtedly the applicant had jumped the bail. Having regard to the time lag and the fact that the applicant has been diligently co-operating with the trial in Special Case No. 35 of 2011, at this stage, there is no propriety in further detaining the applicant as an under - trial prisoner.

5) The learned Counsel for the applicant submitted that having regard to the punishment which the offences under Sections 420 and 467 of the Penal Code entail, liberty of the applicant deserves to be secured.

6) Mr. Venegavkar, the learned Special Public Prosecutor for CBI, resisted the prayer for bail. It was submitted that three more cases are pending against the applicant. A bail application in a prosecution initiated at Bengaluru has been rejected. In any event since CBI has examined 60 out of 64 witnesses and the trial is likely to conclude within a reasonable period, the

applicant does not deserve the exercise of discretion. It was submitted that release of the applicant, at this stage, having regard to the past conduct of the applicant may hamper smooth conclusion of the trial expeditiously.

7) Mr. Pradhan, the learned Counsel for the applicant submitted that apart from the four witnesses, which the prosecution intends to examine, the accused has recalled few witnesses for cross-examination as their evidence was recorded in the absence of the applicant - accused No. 3. Therefore, it is unlikely that the trial can be concluded in the immediate future

8) Evidently, the applicant was initially released on bail as the Court then exercised the discretion on the merits of the matter. The applicant came to be arrested as he jumped the bail and the Court was required to initiate coercive steps to secure presence of the applicant for trial. It is pertinent to note that the trial has reached an advanced stage. 60 out of 64 witnesses have already been examined. At this stage, possibility of tampering with evidence and threatening the witnesses appears to be quite remote.

9) So far as the apprehension of the applicant again not being available for trial and thereby putting hindrances in the smooth

conclusion of the trial, in my view, certain conditions can be imposed. Having regard to the advanced stage of the trial, further detention of the applicant does not seem warranted. I am, therefore, inclined to release the applicant on bail.

10) Hence, the following order.

: O R D E R :

- (i) The application stands allowed.
- (ii) The applicant Satish Krishna Pujari be released on bail in CR No. RC-03/E of 2010, registered with CBI, BS & FC, Mumbai, for the offences punishable under Sections 120B read with 116, 201, 419, 420, 465, 467, 468, 471 and 511 of the Indian Penal Code, 1860 and Sections 13 (2) read with Section 13 (1) (d) of the Prevention of Corruption Act, 1988, leading to Special Case No. 35 of 2011 on furnishing a P.R. Bond in the sum of Rs.1,00,000/- with one or two solvent sureties in the like amount, to the satisfaction of the learned Special Judge.
- (iii) The applicant shall regularly attend the proceedings before the Special Court.
- (iv) The applicant shall not seek any adjournment in

the trial of Special Case No. 35 of 2011.

(v) The applicant shall not leave the jurisdictional limits of the CBI Court at Mumbai without prior permission of the Special Court, CBI.

(vi) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

(vii) The applicant shall furnish his permanent address and mobile phone number to the Investigating Officer and intimate the change therein to the Investigating Officer.

(viii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial court shall not be influenced by any of the observations made hereinabove.

[N. J. JAMADAR, J.]