

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

Criminal Bail Application No.4057 of 2023

1) Ganesh Ramanu Chavan

2) Amit Chandrakant Ghadge

3) Jagannath @ Jaggu Kerba Chougule
v/s.

...Applicants

The State of Maharashtra

...Respondents

With

Criminal Bail Application No.4126 of 2023

Anil Subhash Rakh

...Applicant

v/s.

The State of Maharashtra

...Respondents

Mr Aniket Vagal, Divesh Mehani, Kunal Pednekar, Rashmi
Purandare for the applicants.

Mr V.A. Kulkarni, APP for the State.

Ms K.T. Hivarale, APP for the State.

PSI Suvarna Gosavi, Hadapsar Police station present.

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CORAM : N.R.BORKAR, J.

DATE : 2nd March 2024

P.C. :

1. The applicants in both these applications under Section 439 of the Cr.P.C. for bail are accused in one and the same Crime No.537/2014 registered with Hadapsar Police Station for the

offences punishable under Sections 302,143,147,148,149,201,352, 120-B of the Indian Penal Code and Section 3(1)(i),3(1)(ii),3(2), 3(4), 4 of the Maharashtra Control of Organized Crimes Act. Both these applications are, therefore, being disposed of by this common order.

3. The learned counsel for the applicants has drawn my attention to the order passed by this Court dated 30th March 2023 in the Bail Application No.3675/2022 filed by the co-accused in the present crime. The said order reads thus:

“The learned PP has tendered a pursis (Exhibit-23) filed before the trial Court. By the said pursis, the prosecution has closed its evidence. It appears that the Applicants are in jail for more than eight years. The trial Court, therefore, shall endeavor to conclude the trial as early as possible.

2. If the trial is not concluded within four months from the date of receipt of copy of this order, the applicants are thereafter at liberty to circulate these applications.”

4. The learned counsel for the applicants submits that the applicants are in jail for more than 9 years. It is submitted that trial is not likely to be concluded within a short span of time as this Court by order dated 19th January 2024 in Criminal Application No.61/2024 has allowed the application filed by the co-accused to

recall two witnesses.

5. On the other hand, the learned APP submits that the trial is almost over. It is submitted that the present application, therefore, may not be entertained at this stage.

6. The fact of recall of witnesses is not disputed. Admittedly, the applicants are in jail for more than 9 years. Considering the overall facts and circumstances of the case, I am inclined to release the applicants on bail. Hence, the following order is passed:

(i) Both the Bail Applications are allowed.

(ii) Applicants – (i) Ganesh Ramanu Chavan (ii) Amit Chandrakant Ghadge (iii) Jagannath @ Jaggu Kerba Chougule and (iv) Anil Subhash Rakh shall be released on bail in Crime No.537/2014 registered with Hadapsar Police Station for the offence punishable under Sections 302,143,147,148,149,201,352, 120-B of the Indian Penal Code and Section 3(1)(i),3(1)(ii),3(2), 3(4), 4 of the Maharashtra Control of Organized Crimes Act.on furnishing PR bond in the sum of Rs.25,000/- each with one or two sureties in the like amount.

N.R.BORKAR, J