

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

BAIL APPLICATION NO. 4183 OF 2023

ARUNA
SANDEEP
TALWALKAR

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Revannath Prabhakar Jadhav

..Applicant

Versus

The State of Maharashtra & Anr

..Respondents

Mr. Salman Kadir Pathan, a/w. Mr. Sanket S. Salunkhe, Ms.
Namrata S. Ahiwale & Ms. Mansi Govind Swami, for Applicant.

Ms. Pallavi N. Dabholkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 1 MARCH 2024

P.C. :

1. The Applicant is seeking bail in connection with C.R.No. 296 of 2019 registered at Yawat Police Station, Pune under sections 392, 395, 353, 363, 365, 341 read with section 34 of the Indian Penal Code and under sections 3(1)(ii), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (“**MCOC Act**”).

2. Heard Mr. Pathan, learned Counsel for the applicant

and Ms. Dabholkar, learned APP for the State.

3. The learned Counsel for the applicant submitted that the applicant had earlier approached this Court for release on bail vide Criminal Bail Application No. 1695 of 2021. It was rejected vide order dated 3rd March 2022 passed by a Co-ordinate Bench (Coram : C.V. Bhadang, J who has since retired). Therefore, as per the Notice dated 8th February, 2024 this matter lies before this Bench.

4. Learned APP accepts this position and therefore, I am deciding this application.

5. The prosecution case is that on 26th March, 2019, the first informant Ramprasad Rathod was a driving truck within the jurisdiction of Yawat Police Station at around 9.30 p.m. He was carrying 31 tons of wheat from Rajasthan to Goa. There was another driver Nandlal Thakur with him. The truck was intercepted by a Wagon -R car and three unknown persons climbed in the truck. Mobile phones of the drivers were taken by them.

They were taken at some distance and they were asked to get down. The truck was taken to District Solapur. Wheat was sold to shop owners. Subsequently, the applicant and others were arrested. The applicant was arrested on 1st April, 2019 and since then he is in custody. During the investigation, provisions of the MCOC Act were applied and charge-sheet was filed.

6. The previous order passed by the Coordinate Bench mentioned that the applicant's role was on the same footing as one Sachin Gajage. The said co-accused is granted bail by the Hon'ble Supreme Court after the applicant's bail application was rejected by the previous order dated 3rd March, 2022. The learned Counsel submitted that there are two circumstances against the present applicant. First is that, he was identified by both the drivers in the test identification parade and the second is that, there was recovery of 305 gunny bags of wheat, recovery of the truck and Scorpio vehicle at his instance.

7. Learned Counsel submitted that inspite of these circumstances, now the applicant deserves to be released on bail

because his co-accused are granted bail by the Hon'ble Supreme Court and various Benches of this court mainly on the ground that those accused were in custody for long period as the trial has not commenced. Learned Counsel referred to the Order passed by this Court on 17/1/2024 in Criminal Bail Application No. 3969 of 2023 in the case of Shekhar Shinde. He referred to the observation that the co-accused Sachin Gajage and Sagar Chavan were released on bail. The applicant is claiming parity.

8. Leaned APP opposed this submission. She referred to the affidavit filed by the Investigating Officer. However, she could not submit as to when trial is likely to commence and when it is likely to end.

9. I have considered these submissions. As rightly submitted by the learned Counsel for the applicant, the principles of parity apply in the case of the applicant. As mentioned earlier, there are circumstances of recovery of the vehicles and he was also identified, but the order of the Hon'ble Supreme Court in the case of Sachin Gajage shows that the bail was granted to him because

he was in custody for more than 3 and ½ years. The present applicant is also in custody for a period longer than that. In this view of the matter and on the ground of parity, the applicant also deserves to be released on bail. However, the same condition as imposed on the co-accused Sachin Gajage can be imposed on the present applicant.

10. Hence, the following order :

ORDER

- i) The applicant is directed to be released on bail in connection with C.R. No. 296 of 2019 registered with Yawat Police Station, Pune on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The applicant shall not enter the districts of Solapur, Satara, Sangli, Pune and Ahmadnagar unless he is required to attend any trial.
- iii) He shall intimate his address, where he will be residing, to the Investigating Officer as well as to the Police Station of the area within which

jurisdiction he would reside. He shall report to that police station in the first week of every month.

iv) The Bail Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)