

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

BAIL APPLICATION NO. 898 OF 2023

Pravin @ Sonya Navnath Gurav @
Bhandvalkar ...Applicant

Versus

State of Maharashtra ...Respondent

WITH

BAIL APPLICATION NO. 2088 OF 2024

Gaurav Dadasaheb Shete ...Applicant

Versus

State of Maharashtra ...Respondent

Mr. Shailesh Chavan, a/w Hrishikesh Avhad, Krishna Tarde
and Adesh Kalekar, for the Applicant in BA/898/2023.

Mr. Amit Icham, a/w Nivesh Waghmode, for the Applicant in
BA/2088/2024.

Mr. H. J. Dedhia, APP for the State.

CORAM: N. J. JAMADAR, J.

DATED: 28th NOVEMBER, 2024

ORDER:-

1. Heard the learned Counsel for the parties.
2. The applicants, who have been arraigned in CR No.173 of 2021, registered with Baramati City Police Station, for the offences punishable under Sections 120B, 364A, 365, 384, 386 and 324 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code"), have preferred these applications to enlarge them on bail.

3. At the outset, the learned Counsel for the applicants submit that by an order dated 25th November, 2024 in BA/1528/2024, this Court has enlarged co-accused Sunil Dadas on bail. The applicants are similarly circumstanced. Therefore, the applicants also deserve the same dispensation.

4. The learned APP submitted that though principle of parity may apply, yet, as against the applicant Gaurav Shete (A4), there is a statement of the first informant that Gaurav Shete had assaulted the first informant by means of a stick and pursuant to the discovery made by the applicant Gaurav Shete (A4) the said weapon of offence has been recovered. The learned APP further submitted that in the order dated 25th November, 2024 this Court had recorded that two of the co-accused were stated to be absconding and proclamations have been issued. However, as per his instructions, those two accused have also been arrested. Pravin Bhandvalkar (A1), the applicant in BA/898/2023, which is taken on production board today, is one of those absconding accused.

5. While enlarging Sunil Dadas (A3) on bail this Court had noted in a little detail the prosecution case and material pressed into service against the said accused. By and large, the very same material has been pressed into service against

the applicants herein. After noting the said material and the reasons which weighed with this Court while releasing Mahesh Waghmode (another co-accused) on bail, this Court has observed as under:

“8. The fate of the prosecution case hinges upon the identity of the applicant as one of the abductors who had initially abducted the victim. To this end, the prosecution banks upon the identification of the applicant and co-accused in the Test identification Parade. The Memorandum of Test Identification Parade does not indicate that the applicant was identified with reference to a particular role. At any rate, the question as to whether the applicant was a confederate in the conspiracy to kidnap the victim for ransom, warrants adjudication at the trial.

9. The applicant has been in custody since 13th March, 2021. Two of the co-accused are stated to be absconding and proclamations have been issued. In this backdrop, it is extremely unlikely that the trial can be commenced and concluded within a reasonable period.

10. It is imperative to note that when the first application was disposed, by an order dated 9th February, 2024, this Court had requested the trial court to make an endeavour to conclude the trial as early as possible and liberty was granted to the applicant to file application for bail if the trial is not concluded within the said period. In the backdrop of the fact that two of the co-accused are absconding, the trial court, it appears, could not even commence the trial. Thus, this long period of incarceration, without a realistic possibility of conclusion of the trial within a reasonable period, impels the Court to exercise discretion in favour of the applicant.”

6. Gaurav Shete (A4), the applicant in BA/2088/2024, has been in custody since 13th March, 2021. Pravin Bhandvalkar (A1) has been in custody since 7th July, 2021. The aforesaid reasons which weighed with this Court while enlarging the co-accused Mahesh Waghmode (A2) and Sunil Dadas (A3) apply with equal force to the applicants. Having regard to the

nature of the accusation the number of accused and the number of witnesses, which the prosecution may be required to examine, it appears unlikely that the trial can be concluded within a reasonable period. I am, therefore, inclined to exercise discretion in favour of the applicants.

7. Hence, the following order:

: O R D E R :

- (i)** Applications stand allowed.
- (ii)** Pravin @ Sonya Navnath Gurav @ Bhandvalkar, the applicant in BA/898/2023 and Gaurav Dadasaheb Shete, the applicant in BA/2088/2024, be released on bail on furnishing a P. R. Bond in the sum of Rs.30,000/-, each, with one or two sureties in the like amount to the satisfaction to the learned Additional Sessions Judge, Baramati.
- (iii)** The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses or any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to the Court or any police officer.

- (iv) The applicants shall cooperate with the investigation and attend the Baramati City Police Station on the first Monday of every alternate month for the period of one year between 10.00 am. to 1.00 pm.
- (v) The applicants shall furnish their permanent residential addresses and contact details to the Police Inspector, Baramati City Police Station and intimate the change, if any.
- (vi) The applicants shall regularly attend the proceedings before the jurisdictional Court.
- (vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined to the consideration of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the co-accused and the trial Court shall not be influenced by any of the observations made hereinabove.

Applications disposed

[N. J. JAMADAR, J.]