

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2340 OF 2024

Sachin Ganpat Patil .. Applicant
Versus
The State of Maharashtra .. Respondent

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Ms.Sana Raees Khan with Ms.Juhi Kadu for the Applicant.
Mr.J.P.Yagnik, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.
DATED : 18th OCTOBER, 2024

P.C:-

1. The second bail application is moved by the Applicant, his first application being rejected on 22/07/2022, pursuant to the completion of investigation and the charge-sheet collating the necessary material.

In the wake of the material in the charge-sheet, which include the statements of the persons, who were present, by recording that the deceased was mowed down by a vehicle and the Complainant had specifically identified the Applicant, to be the person who was present in the hotel and who was also present in the red colour car, the application was rejected.

Being aggrieved by this order, the Applicant has approached the Apex Court, which has refused to entertain the application and dismissed the Special Leave Petition.

2. This is the second bail application filed on 10/06/2024, which is premised on two grounds; first being the long incarceration as it is almost four years, since the Applicant is incarcerated, with no progress as till date charge is not yet framed and the second being the claim of parity with the co-accused-Rohit Ravindra Gurav, who was identically placed with that of the Applicant, since his first application was rejected and the order was upheld by the Apex Court and on 07/05/2024, this Court entertained his third bail application on the ground of long incarceration and a specific finding being recorded that the accused persons, namely, Vicky @ Vikrant Shatrughan Tandel and Ninad Mahendra Mhatre were released on bail on 07/06/2023 and 25/09/2023 respectively, by recording that the death of the deceased was caused due to sudden quarrel and there was no intention or motive attributed to the accused persons.

3. Ms.Sana Khan, the counsel representing the Applicant, has taken me through the order passed in case of co-accused-Rohit Ravindra Gurav (Cri.Bail Application No.212 of 2024 decided on 07/05/2024), when he pressed into service two grounds, first being the co-accused being the driver of the car, which is alleged to mowed down the deceased, was released on bail and the second ground being that despite long incarceration, the charge is not framed and, since, the prosecution intend to examine 33 witnesses, one cannot speculate the length of time that would be consumed in conclusion of trial.

Based upon the said argument, by specifically recording that the earlier order was assailed before the Apex Court and the Court has refused to interfere, on the ground of long incarceration, since the charge is not framed, co-accused-Rohit Ravindra Gurav was released on bail. There is no reason why the parity shall not be applied to the present Applicant and for this reason, I deem it appropriate to secure his release on bail, subject to the following conditions :-

: ORDER :

- (a) Application is allowed.
- (b) Applicant-Sachin Ganpat Patil shall be released on bail in connection with C.R.No.497 of 2020 registered with Manpada Police Station (Sessions Case No.141 of 2021) on furnishing P.R.Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The Applicant shall mark his attendance before the concerned police station on first Monday of every month between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (d) 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 him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the Applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

4. Needless to state that the observations made above are, *prima facie*, in nature and limited to the extent of adjudication of the present Application and the learned Judge trying the Applicant for the offences with which he is charged, shall not get influenced by the above observations, in any manner.

(BHARATI DANGRE, J.)