

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

Bail Application No. 3919 of 2024

Vijay Dattatray Sathe ... Applicant
V/s.
The State of Maharashtra ... Respondent

**ALONGWITH
Bail Application No. 3896 of 2024**

Prashant Dilip Sapkal ... Applicant
v/s.
The State of Maharashtra ... Respondent

Mr. Nitin Sejpal a/w. Mr. Siddharth Gharat	Advocate for the Applicant
Mr. A.S. Gawai	APP for the State.
Mr Rahul Patil, PSI	Ulhasnagar Police Station present.

CORAM : S.M. MODAK, J

DATE : 12 December 2024.

P.C. :

Heard learned Advocate Sejpal for the applicants and learned APP for the State.

2. It is true that applicant- Vijay Sathe is granted bail by the trial Court. Copy is taken on record, marked as annexure 'X' whereas applicant-Prashant is granted bail by this Court on 5 October 2018. The offences are under Section 302,386,120-B of IPC read with

Digitally
signed by
LATA
SUNIL
PANJWANI
Date:
2024.12.21
12:01:01
+0530

LATA
SUNIL
PANJWANI

Sections 3 and 25 of the Arms Act and under Section 37(1) of the Bombay Police Act and under Section 3(1)(i), 3(2) and 3(4) of Maharashtra Control of Organised Crime Act, 1999. After grant of bail both have jumped the bail and that is why the Court of Additional Sessions Judge, Thane (MCOC Court) was compelled to issue non-bailable warrant against them. They were arrested and produced in the month of July 2024. Both have applied for grant of bail, however, this was rejected by learned Special Judge as per the separate orders. The learned Judge found the reasons for absence as not sufficient. They are very vague. The learned Judge opined, the situation beyond their control, cannot be believed. That is why there was clear breach of conditions of bail and not granted them bail.

3. The merits of the matter were already considered while granting them bail. The issue is failure to attend the trial Court on the dates fixed. The learned APP is right that there are no convincing reasons offered for their absence. According to Mr. Sejpal both of them be granted one opportunity. According to him both are from poor family and they are agriculturist. The applicant-Prashant has filed an affidavit of father Dilip explaining the circumstances so also the applicant-Vijay has filed the affidavit of his mother Kamal.

4. The contention is also raised that during period of bail, there are no new offences registered against them because it is not a prosecution case. After grant of bail they have attended the trial Court for sufficient long period. The trial has not started. One of

the accused is behind bars. It is for the trial Court to start with the trial. This Court is not aware about pendency before that Court. But fact remains the trial has not started. So I am inclined to grant them an opportunity to have freedom and exercise the freedom. Hence, the following order is passed:

ORDER

- (i) Applicants – Vijay Dattatray Sathe and Prashant Dilip Sapkal are released on bail in connection with C.R. No.229/2015 registered with Ulhasnagar Police Station for the offences punishable under Sections 302, 386,120-B of IPC, Sections 3 and 25 of the Indian Arms Act and Section 37(1) of the Bombay Police Act on furnishing personal bond and surety bond of Rs.50,000/-.
- (ii) They are directed to remain present before the trial Court on each and every date without fail.
- (iii) Bail Application stands disposed of in the aforesaid terms.

(S.M. MODAK, J.)