



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4246 OF 2024**

Yudhveer Satbir Yadav	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Deepak Gautam, for Applicant.
Mr. H.J.Dedhia, APP for State.
API Dhotre, A.E.Cell, DCB, CID, present.

CORAM: N.J.JAMADAR, J.

DATE : 23 OCTOBER 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant, who is arraigned in Sessions Case No.295 of 2021 arising out of C.R.No.142 of 2020 registered with DCB, CID Mumbai, for the offences punishable under Sections 120-B, 364-A, 342, 386, 170, 323 and 504 of the Indian Penal Code and Sections 3 read with 25 of the Arms Act, 1959, has preferred this application to enlarge him on bail.
3. The indictment against the applicant and the co-accused is that, in pursuance of a criminal conspiracy, impersonating themselves as police officers, the accused abducted, abused and assaulted the first informant. A demand of ransom of Rs.25 Lakhs was made. Out of the said amount, Rs. 5 Lakhs was collected at Mumbai. The first informant was forcibly taken to Surat. Putting the first informant in fear of life by pointing fire arms, the

accused extorted a sum of Rs.11,40,000/- and two mobile phone handsets of iphone make and two Apple watches.

4. Learned Counsel for the Applicant submitted that nothing has been recovered from the possession of the applicant. He has been in custody since 3 December 2020. There has not been any progress in trial, despite the order passed by this Court on 24 January 2024 to conclude the trial in Sessions Case No.295 of 2021 within a period of 9 months from the date of communication of the said order.

5. This is the third application for bail. First one was withdrawn on 28 September 2021. The second bail application was withdrawn as a statement was made on behalf of the prosecution that it would examine the witnesses. Evidently, there has not been any substantial progress in the trial. The applicant has been in custody for more than three years and 10 months. It is extremely unlikely that the trial can be concluded within a reasonable period. The material on record indicates that no incriminating article has been recovered at the instance of the applicant.

6. Having regard to the nature of the occurrence, the role attributed to the applicant therein and the period of incarceration of the applicant, further detention of the applicant as an under-trial prisoner appears to be wholly unwarranted. I am, therefore, inclined to exercise discretion in favour of the applicant.

7. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Yudhveer Satbir Yadav be released on bail in C.R.No.142 of 2020 registered with DCB, CID Police Station Mumbai on furnishing a PR bond in the sum of Rs.50,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence at DCB, CID Mumbai on first Monday of every month between 11 am to 1 pm for a period of three years or till the conclusion of the trial, whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence. 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.

(v) 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.

(vi) The applicant 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 for the purpose of determination 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 trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)