

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4503 OF 2024

SATISH
RAMCHANDRA
SANGAR

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SATISH RAMCHANDRA
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Date: 2024.12.09
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Mr.Prakashchandra Sohanlal Gujar
Age : 27 Years, Occupation : Nil,
Residing at : Room No.52, S.S. 2 Chawl,
Sector/18, Koparkhairane, Navi Mumbai. **...Applicant**

Versus

The State of Maharashtra **...Respondent**

Mr.Shailesh Chavan a/w Ms.Kalpana V.Chate, Mr.Sumitkumar Nimbalkar, Mr.Govind M. Mundhe:-	Advocates for Applicant.
Ms.Sangita E. Phad:-	APP for Respondent-State.

CORAM : S. M. MODAK, J.
DATE : 6th DECEMBER 2024

P. C. :-

1. Heard learned Advocate Shri.Chavan for the Applicant–Accused No.1 and learned APP Ms.Phad for the Respondent-State.
2. It is true that this Court has rejected the Bail Applications of co-accused including present Applicant on 19th August 2023 (Page No.255). The liberty was granted to apply again, if there is no progress

in the trial. Later on, the Supreme Court has granted bail to co-accused Motilal Kishanlal Gurjar on 20th August 2024. (Page No.240). It is on account of incarceration for two and half years. On the basis of this order, this Court has granted bail to co-accused No.5 – Shankarlal @ Sampat Madhavlal Jatt on 30th September 2024. That is why, bail is asked on similar ground.

3. There is no dispute about the detention of this Applicant and the period. Learned APP relied upon the observations made by Hon'ble Supreme Court in case of *X V/s. State of Rajasthan & Anr.*¹. She invited my attention to the observations in paragraph Nos.15 and 16. On many occasions, the Courts are required to deal with Bail Applications filed after the commencement of the trial and after the witnesses are examined. The Courts are entertaining the submissions about lacunae in the evidence of witnesses. The Hon'ble Supreme Court has cautioned the Courts not to make any comment about the evidence of the witnesses already recorded. Because, it has its own impact on pending trial at the time of appreciation of evidence.

4. In this case, the situation is different. Bail is not asked on account of lacunae in the evidence of witnesses already examined. Bail is asked

1 Special Leave Petition (Criminal) No.13378 of 2024 : 27th November 2024 : Supreme Court of India

for on the ground of incarceration. The Applicant is entitled to be released on bail. Hence, following order is passed:-

ORDER

- (i) Bail Application is allowed.
- (ii) The **Applicant – Prakashchandra Sohanlal Gujar** arrested in connection with **C.R.No.470 of 2021** registered with **Rabale Police Station, Navi Mumbai, Thane** for the offences punishable under Sections 395, 397, 342, 452, 201, 120B read with 34 of IPC and under Sections 37(1), 135 of the Maharashtra Police Act, 1951, **be released on bail on furnishing personal bond and surety bond of Rs.50,000/- (Rupees Fifty Thousand Only).**
- (iii) The Applicant to give attendance to Crime Branch Unit, Navi Mumbai on First Monday of every Month from 10.00 a.m., to 12.00 noon till conclusion of the trial.
- (iv) **Applicant not to threaten the prosecution witnesses or to allure them in any manner.**
- (v) **In case of breach** of the above conditions, the bail of the Applicant is **liable to be cancelled after notice.**
- 5. In view of the above, **Application is disposed of.**
- 6. The parties to act upon an authenticated copy of this order.

[S. M. MODAK, J.]