



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4634 OF 2024**

Manoj Chandrabhan Yadav	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Sherali Khan with Mr. Nadeem Shaikh, Mr. Aaqib Khatri, for Applicant.
Mr. H.J.Dedhia, APP for State.
API Dhotre, A.E.Cell, DCB, CID present.

CORAM: N.J.JAMADAR, J.

DATE : 9 DECEMBER 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 Section 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. At the outset, learned Counsel for the Applicant submits that co-accused Yudhveer Satbir Yadav has been enlarged on bail by an order dated 23 October 2024. The Court was persuaded to release the said co-accused on bail on account of long period of incarceration. The applicant has been in custody from 2 December 2020. Therefore, the applicant also deserves to be enlarged on bail.

5. While releasing the co-accused on bail, this Court had observed in paragraph No.4 to 6 as under :

“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 First one was withdrawn on 28 September 2021. The second bail application was withdrawn as a statement was made on behalf of the prosecution that it would examine the witnesses.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.”

6. Learned APP submitted that though the applicant has been in custody for more than four years, yet there is a significant change in the circumstances as regards the complicity of the applicant. Pursuant to the discovery made by the applicant, an amount of Rs.5 Lakhs, a mobile phone of Apple make and an Apple watch have been recovered. Therefore, it cannot be said that there is no material to connect the applicant with the alleged offences.

7. Learned Counsel for the Applicant joined the issue by canvassing a submission that the discovery is infirm as the room, from where the said properties were recovered, was in possession of another person.

8. I have perused the memorandum of disclosure statement purportedly made by the applicant and the seizure memo, dated 7 December 2020. The key of the said room, from where the properties were recovered, was with one Vinod Pyasi and the said person was called at the said place by making a telephone call and, thereafter, the said room was opened. To what extent the said factor impairs the admissibility and reliability of the evidence of discovery, under Section 27 of the Evidence Act, would be a matter for trial.

9. Since the applicant has been in custody for more than four years, it is extremely unlikely that the trial can be concluded within a reasonable period. I am, therefore, inclined to extend the same dispensation to the applicant as has been given to the co-accused Yudhveer Satbir Yadav.

10. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Manoj Chandrabhan 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 co-accused and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)