

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

CRIMINAL BAIL APPLICATION NO. 1412 OF 2024

ALONGWITH

INTERIM APPLICATION NO.2691 OF 2024

1) Tulsiram Balaram Patil

2) Sadanand Bala Patil

...Applicants

vs.

The State of Maharashtra

...Respondent

Mr. Amin Solkar a/w. Mr. Misbaah Solkar, Ms. Umang Shah and Ms. Kavisha Khanna :-	Advocate for Applicant in BA/1412/2024.
Mr. Priyal G. Sarda :-	Advocate for Intervenor in IA/2691/2024.
Mr. A. S. Gawai :-	APP for Respondent-State.

CORAM : S. M. MODAK, J.

DATE : 15th JULY 2024

P. C. :-

1. Heard learned Advocate Mr. Solkar for the Applicants, learned APP and learned Advocate Mr. Sarda for the first informant. It is true that earlier bail of these Applicants was withdrawn vide Bail

Application No.178 of 2023 on 23rd March 2023. Liberty was granted to them to apply again if the trial may not be over within six (6) months.

2. This Bail Application is filed because yet trial is not completed. Prosecution has closed the evidence and now it is at the stage of recording of statement of accused under Section 313 of the Criminal Procedure Code [Cr.PC]. There are some issues about Court being vacant on account of leave. Be that as it may. Statements are not recorded. So certainly it will take some time for recording statements, hearing arguments and judgment.

3. This Court has called the report from the trial Court about pendency. It is reflected in the order dated 6th March 2024 passed in Bail Application No.3284 of 2023. The report mentions pendency of 427 under trial prisoners. It is also true that these two Applicants are the witnesses in counter case No.157 of 2023. Though assured by the trial Court, the evidence is not started in that case since month of May 2024.

4. According to learned APP and Mr. Sarda there is every chances that these Applicants will be convicted and that is why they are

escaping from the clutches of law. When bail is granted to accused Anil Sadanand Patil in similar crime in Bail Application No.3284 of 2023 they were granted the benefit of long incarceration. Same benefit has to be granted to these Applicants. There is reliance on the observations of Hon'ble Supreme Court in two orders. They are as follows :

- (i) Ganesh @ Pintya Bhaskar Jogdand vs. The State of Maharashtra.¹
- (ii) Javed Gulam Nabi Shaikh vs. State of Maharashtra and Anothr.²

5. Applicants deserves to be released on bail. Hence order :-

ORDER

- (i) Bail Application is allowed.
- (ii) Applicants/accused Tulshiram Balaram Patil and Sadanand Bala Patil in connection with C. R. No. I-218 of 2015 registered with Bhiwandi Taluka Police Station in Sessions Case No. 221 of 2023 for the offence punishable under Sections 302, 307, 326, 341, 120-B, 143, 147, 148, 149, 506 of the Indian Penal Code and Sections 4 and 27 of the Arms Act be released on bail on furnishing Personal bond and security bond in sum of ₹1,00,000/- (Rupees One Lakh only) each.

¹ Petition(s) for Special Leave to Appeal (Crl.) No(s). 4486/2024 dated 2nd July 2024.

² Criminal Appeal No.2787 of 2024 dated 3rd July 2024.

- (iii) After release on bail, the Applicants shall not enter the village Pogaon, Taluka Bhiwandi till conclusion of this sessions Case of which trial is going on.
- (iv) The Applicants not to threaten the prosecution witness and allure them in any manner.
- (v) The Applicants to furnish alternate place of the residence to the trial Court and to the Police.
- (vi) The Applicants not to leave the territorial limits of the Thane District till conclusion of the trial of the Sessions Case No. 221 of 2023.
- (vii) Applicants to give attendance on every Monday from 10:00 a.m. to 12 noon to the nearest Police Station within the local limits of which they are going to stay during this period.

6. Accordingly, Bail Application is disposed of.

7. Interim Application No. 2691/2024 for intervention is allowed and disposed of.

[S. M. MODAK, J.]