



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**BAIL APPLICATION NO. 295 OF 2025**

Amol @ Pravin S/o Sambhaji Mohite  
Age: 32 years, Occu.: Labour,  
R/o. Village Senapatikapsi, Tal.Kagal,  
District Kolhapur.

....Applicant

**Versus**

The State of Maharashtra  
P.S.O. Police Station Kaij, Kaij.

....Respondent

.....  
Advocate for Applicant : Mr. Rupesh Anil Jaiswal  
APP for Respondent : Mr.N.D.Batule

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**CORAM : ABHAY S. WAGHWASE, J.**

**RESERVED ON : 06 MAY, 2025**

**PRONOUNCED ON : 08 MAY, 2025**

**ORDER :**

1. Present application is for grant of regular bail on account of out of arrest of applicant in crime no.0053 of 2018 registered at Kaij Police Station, District Beed, for offence under Sections 120-B, 302, 394, 397 r/w 34 of the Indian Penal Code (IPC) and under Sections 3(1), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act (the MCOC Act).

2. Learned counsel pointed out that applicant is arrested in

above crime on 14-02-2018 and he is behind bars since then. That, he is behind bars since more than 6-7 years. That, chargesheet is filed in August, 2019. That, trial is not progressing and is rather proceeding at a snail pace. He made statement across the bar that since last one year, not a single witness is examined. He has placed copies of Roznama on record. He further pointed out that prosecution intends to examine 120 witnesses. That, present applicant is shown as accused no.1. That, out of four accused, other three accused are already granted bail. Therefore, only on the ground of long pre-trial incarceration, learned counsel urges for grant of bail.

Learned counsel seeks reliance on recent judgment of the Hon'ble Apex Court in the case of *Tapas Kumar Palit v. State of Chhattisgarh*, passed on 14-02-2025 in Criminal Appeal No.738 of 2025.

3. Learned APP opposed application on the ground that serious crime has been committed by the present applicant. That, he is main accused. Learned APP pointed out that accused are moving bail applications and not responding to the Court dates and therefore, learned trial Court is required to issue non-bailable warrant, hence,

prosecution cannot be blamed for prolonging trial. More over, according to learned APP, there are serious allegations of committing murder by running over a vehicle. That, victim is a Jeweller. That, there is statement of witness namely Sukhdeo Rambhau Ghubade. Further learned APP pointed out that as many as 20 crimes are registered against present applicant including offence under the provisions of MCOC Act.

4. Heard. Perused the papers. FIR dated 14-02-2018 is at the instance of Prakash Tukaram Thorat. Sum and substance of report is that, on 13-02-2018, he learnt that Vikram @ Vikas Gautam Thorat was returning with jewellery on Motorcycle and his Motorcycle was given dash by a Indigo Car and when he fell, the bag was snatched. On receipt of such telephonic information, informant rushed to the spot and found Vikram @ Vikas lying injured and was therefore, taken to hospital, but declared dead. Therefore, report has been lodged against unknown Car Driver and his assistats.

Subsequently, investigation revealed involvement of four persons including present applicant. Previous bail application moved by Atul Ramesh Jogdand seems to have allowed by this Court by order dated 07-12-2021. Similarly, learned trial Court seems to

have allowed bail applications moved by Mahadeo Ramesh Dongare and Amar Laxman Sutar on 16-04-2022 and 04-08-2023 respectively.

5. There is no dispute that chargesheet is filed and case is already committed. Present application primarily is on the premise that trial has not yet commenced. Considering such submission made on previous date, this Court had called report from learned trial Judge and the same is received.

Vide report dated 30-04-2025, learned trial Judge has conveyed that initially MCOCA Case No.04 of 2018 was on the file of Special Judge, Aurangabad and it came to be transferred to Ambajogai on 11-08-2020. That, on 09-11-2021 charge has been framed against accused. Learned trial Judge has conveyed that again from the Court of Ambajogai, case has been transferred to Kaij in 2023. That, bail application has been moved by accused no.2 and it came to be allowed on 11-12-2023, whereas application of present applicant came to be rejected on 18-04-2024. It is further conveyed that, on 30-08-2024, learned APP has filed application for issuing summons to the witnesses. That, on 26-09-2024 witnesses were bonded over. That, witnesses summons were reissued on

30-08-2024. It is further conveyed that witnesses remained present on 20-03-2025, but on that date, Advocates for accused nos.3 and 4 were absent. Whereas on 25-03-2025, accused no.4 remained absent and consequently, learned trial Judge was constrained to issue N.B.W. against accused no.4. That, since then, matter is awaiting for warrant report of accused no.4. Learned trial Judge has conveyed that, efforts are underway to secure presence of accused no.4 to initiate the trial at the earliest.

Thus, from the report of learned trial Judge, it is emerging that one of the accused, who is granted bail i.e. accused no.4 is not attending Court and therefore, N.B.W. has been issued against him on 25-03-2025 i.e. more than one and half month back. As stated above, in the FIR, atleast there are allegations of giving dash by the Car and injured carrying Jewellery has been robbed. FIR is against unknown Car Driver and his assistants. Applicant is behind bars since 14-02-2018.

6. Learned APP opposed application primarily on the ground that applicant is accused for offence under the provisions of MCOC Act and has criminal antecedents and as many as 20 crimes are registered against him.

In answer to above, learned counsel has invited attention of this Court to the Crime Chart against present applicant. The same shows that in most of the cases, he is acquitted.

7. In view of above discussion, applicant being behind bars since 2018, precisely case is made out for long pre-trial incarceration. Merely for want of absconding accused no.4, present applicant cannot be kept behind bars without trial. Roznama shows that trial is infact not progressing as expected. In view of the right of speedy trial and long pre-trial incarceration, relief as prayed deserves to be granted. Hence, following order :

### **ORDER**

- (i) Bail Application is allowed.
- (ii) Applicant be released on bail in connection with Crime no.0053 of 2018 registered with Kaij Police Station, District Beed, on executing Personal Bond of Rs.50,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) The applicant shall not enter the vicinity where informant, his family resides, till conclusion of trial, except for attending Court dates.

(v) Applicant shall not leave the jurisdiction of concerned Police Station, till conclusion of trial, except for attending Court dates.

(vi) The applicant shall attend Court dates regularly. On failure to attend single Court date also, benefit of bail would stand withdrawn.

**( ABHAY S. WAGHWASE )**  
**JUDGE**

SPT