



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

929 BAIL APPLICATION NO. 1148 OF 2025

Sham Alias Balu Uttam Pawar

VERSUS

The State Of Maharashtra

...

Advocate for Applicant : Mr. Maniyar Irfan D
APP for Respondents-State: Mr. P. P. Dawalkar

...

CORAM : ARUN R. PEDNEKER, J.

Dated : August 07, 2025.

PER COURT :-

1. Heard the learned Counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail in connection with FIR No. 33/2018, registered with Parli Rural Police Station, Taluka Parli Vajinath, District Beed, for the offences punishable under Sections 395 and 341 of the *Indian Penal Code*, and under Sections 3(1)(ii), 3(2), and 3(4) of the *Maharashtra Control of Organised Crime Act* (MCOC Act).
3. The applicant is arrested in connection with the said crime on 20/05/2018 and is in custody since then. The prosecution has cited a total of 66 witnesses, out of which only five have been examined so far. As far as the present applicant is concerned, there are four antecedents against him. In two of these, he has been acquitted, while in the remaining two, the trials are still pending. The learned Counsel for the applicant submitted that, *prima facie*, Section 395 of the IPC may not be attracted, as only four persons have been chargesheeted in the case. It is further submitted that the trial is likely to take a considerable time to conclude, and therefore, in light of the

applicant's fundamental right to a speedy trial, he may be released on bail.

4. The factual aspect of the matter, as submitted, is not seriously disputed by the learned APP. There are 66 witnesses in total, and only five have been examined so far. The applicant has been incarcerated since 20/05/2018, i.e., for a period of over seven years and five months. Considering the prolonged incarceration and the slow pace of trial, this Court is of the view that the applicant deserves to be enlarged on bail on the ground of violation of his fundamental right to a speedy trial.

5. In view of the above, the application is allowed in the following terms: -

a] The applicant shall be released on bail in connection with FIR No. 33/2018, dated 20/05/2018, registered with Parli Rural Police Station, Taluka Parli Vaijnath, District Beed, on furnishing a P.R. bond of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and shall attend each and every date of hearing, unless exempted by the Court.

d] The applicant shall not tamper with the prosecution evidence, nor shall he influence the informant, any witnesses, or other persons

concerned with the case.

e] Upon being released on bail, the applicant shall furnish his contact number and residential address before the trial Court and shall inform the Court of any subsequent change, if any.

6. Needless to state, in the event of breach of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are restricted to the adjudication of the present bail application. The trial Court shall proceed with the trial uninfluenced by any of the observations made herein.

7. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.