

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4399 OF 2024

Sandip P. Aadhatrao
V/s.
The State of Maharashtra

...Applicant
...Respondent.

.....
Mr. Shailesh Kharat a/w. Mr. Sajid Mahat and Mr. Onkar Chaudhari
for the Applicant.
Mr. Tanveer Khan, APP for the Respondent/State.
.....

CORAM : N.R. BORKAR, J.
DATE : 13.06.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.244 of 2018 registered at Pandharpur City Police Station, Solapur for the offences punishable under Sections 302, 303, 120(B), 201, 143, 147, 148 & 149 of the Indian Penal Code, Sections 3, 4, 5, 25 27 of the Indian Arms Act, Section 135 of the Maharashtra Police Act and Sections 3(1)(i), 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crimes Act, 1999.
3. The applicant is accused no.6 in the aforesaid crime. According to the prosecution, the applicant is a member of organized crime syndicate formed by co-accused Gopal B. Ankushrao. The deceased was Councilor of Pandharpur Municipal Corporation and he was resisting unlawful activities of the

applicant's gang. It is alleged that thus on the date of incident, which took place on 18.03.2018, the applicant along with other co-accused committed the murder of deceased..

4. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

5. The bail is sought on the ground of long incarceration as under-trial prisoner. Learned counsel for the applicant submits that the applicant is in jail for almost 7 years and the trial is still at the stage of framing of charge. It is submitted that the trial is not likely to be concluded in the near future as the prosecution has cited 122 witnesses. It is thus submitted that the applicant may be released on bail.

6. On the other hand, learned APP for the respondent/State submits that the case is based on direct evidence. It is submitted that the applicant is involved in six criminal cases of serious nature including the offence punishable under Section 302 of the Indian Penal Code. It is thus submitted that the applicant may not be released on bail.

7. The learned counsel for the applicant, on instructions, submits that out of said six crimes, the applicant has been acquitted in four crimes and the proceedings in one crime is stopped. It is submitted that as on today, only one crime is pending against the applicant.

8. The fact that the applicant is in jail for almost 7 years and the trial is still at the stage of framing of charge is not disputed. There are 122 witnesses and thus the trial is not likely to be concluded in the near future. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 244 of 2018 registered at Pandharpur City Police Station, Solapur for the offences punishable under Sections 302, 303, 120(B), 201, 143, 147, 148 & 149 of the Indian Penal Code, Sections 3, 4, 5, 25 27 of the Indian Arms Act, Section 135 of the Maharashtra Police Act and Sections 3(1)(i), 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crimes Act, 1999, on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall not enter into the limits of District - Pune and Solapur except to attend the dates before the trial Court till conclusion of the trial.

D] The applicant shall attend the concerned police station within whose jurisdiction he is going to reside after his release once in a month i.e., on Saturday between 11.00

a.m. to 2.00 p.m. till conclusion of the trial.

E] The applicant shall not tamper with the prosecution evidence.

F] The applicant shall not commit any other crime.

G] Liberty is granted to the prosecution to file an application for cancellation of bail, if the applicant commits breach of any of the above conditions.

[N.R.BORKAR, J.]