

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

**CRIMINAL APPLICATION NO. 92 OF 2024**

Shri. Amar Kesharinath Mhatre

...Applicant

Versus

The State of Maharashtra and Ors.

...Respondents

Ms. Poonam Pal i/b Mr. Sachin Hande, learned Advocate for the Applicant.

Mr. Pandurang H. Gaikwad, learned A.P.P. for the State/Respondent.

Mr. Vikrant Anil Khare a/w Mr. Siddharth Gharat, learned Advocates for Respondent No. 2.

**CORAM : ASHWIN D. BHOBE, J.**

**DATE : 13<sup>th</sup> JUNE 2025.**

**P.C. :**

1. Heard Ms. Poonam Pal, learned Advocate for the Applicant, Mr. Pandurang Gaikwad, learned A.P.P. for the State/Respondent No. 1 and Mr. Vikrant Khare alongwith Mr. Siddharth Gharat, learned Advocates for Respondent Nos. 2 and 3.

2. By the present Application, the Applicant has sought for cancellation of bail granted to Respondent Nos. 2 and 3, by the learned Additional Sessions Judge, Panvel, Raigad vide order dated 28<sup>th</sup> November 2023 in Sessions Case No. 1720 of 2023.

3. Ms. Poonam Pal, learned Advocate for the Applicant submits that the learned Sessions Court in the order granting bail has committed illegality in as much as the learned Sessions Court has

ignored its earlier order dated 30<sup>th</sup> October 2023, which was on merits. She further submits that Respondent Nos. 2 and 3 have criminal antecedents as such no indulgence was due to Respondent Nos. 2 and 3. She therefore prays that the order dated 28<sup>th</sup> November 2023 granting bail to Respondent Nos. 2 and 3, be set aside.

4. Mr. Pandurang Gaikwad, learned A.P.P. for the State/Respondent No. 1 supports the contention of Applicant. He, however, fairly states that the State has not sought for cancellation of the bail.

5. Mr. Vikrant Khare and Mr. Siddharth Gharat, learned Advocates for Respondent Nos. 2 and 3 submit that the order dated 28<sup>th</sup> November 2023 records cogent reasons in Paragraph 6 and on such consideration, the learned Sessions Court has enlarged Respondent Nos. 2 and 3 on bail. They submit that the bail was granted in the month of November 2023 and its more than a year since Respondent Nos. 2 and 3 are enlarged on bail. They submit that there is no breach or violation of any of the conditions imposed, on which Respondent Nos. 2 and 3 have been enlarged on bail. They further submit that no case is made out by the Applicant for entertaining the present Application.

6. I have perused the records with the assistance of learned Advocates for respective parties.

7. The order dated dated 28<sup>th</sup> November 2023 records the following in Paragraph 6 :-

*“6] In back drop of this aspect, admitted fact is that, investigation is completed and charge-sheet has been filed, case is committed and is pending for appearance of accused persons for the purpose of framing of charge. It is also a fact that, at present in this Court there are 89 Sessions Cases of 143 under-trial prisoners. Old under-trial Sessions Cases are being given priority. Due to this aspect, trial in the present case is not likely to commence in near future. Hence, without touching to the merits of the matter, I am of the view that, present accused persons cannot be detained behind bar for indefinite period.”*

8. From the said paragraph, it is evident that Respondent Nos. 2 and 3 have been given benefit of pendency of the proceedings before the learned Sessions Court. The intent of the order is to avoid long incarceration of the accused.

9. In the facts and circumstances of the present case, I do not find any perversity in the discretion exercised by the learned Additional Sessions Judge, Pune, Raigad.

10. In view of the above, Criminal Application No. 92 of 2024 is dismissed.

**[ASHWIN D. BHOBE, J.]**