

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

BAIL APPLICATION NO. 1311 OF 2024

Shreeram Pacharam Bishnoi	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
BAIL APPLICATION NO. 1326 OF 2024**

Sham @ Shamlal Govardhanram	
Puniya @ Bishnoi	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Ramanik P. Pawar a/w Ms. Samiksha Pawar, Ms. Dhanashree Jagdale, Ms. Shubhangi Kadam, Ms. Trupti J., Mr. Samadhan M. and Mr. Pankaj Mule, Advocate for the Applicants.

Mr. T. G. Khan, A.P.P. for the Respondent – State.

Mr. Santosh Mane (API), Vadgav Police Station, Dist.-Kolhapur, present.

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CORAM	:	N. R. BORKAR, J.
DATE	:	03rd February, 2025.

P.C.:

1. As both these applications for bail are arising out of one and the same crime and therefore they are being disposed of by this common order.

2. The applicants came to be arrested in Crime No.44 of

2020 registered at Vadgaon Police Station, Kolhapur, for the offence punishable under Sections 307, 353, 332, 109, 279 read with Section 34 of Indian Penal Code, Sections 3, 25(1) (A), 5 (25), 28, 35 of the Arms Act, Sections 184, 177 of the Motor Vehicle Act and under Sections 3 (1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

3. I have heard the learned counsel for the applicants and learned A.P.P for the Respondent-State.

4. The bail is sought on the ground of long incarceration as an under-trial prisoners.

5. The learned counsel for the applicants submits that the applicants are in jail for more than five years. It is submitted that the Division Bench of this Court has stayed the trial against the Co-accused, and therefore, the Trial Court is not proceeding with the trial. It is submitted that considering the said facts and circumstances, this Court by order dated 5th September 2024, in Criminal Bail Application No. 2157 of 2024 has granted bail to the co-accused Shravankumar Manoharlal Manju @ Bishnoi.

6. On the other hand, the learned A.P.P submits that the applicants attempted to kill the police personnel, while they were trying to apprehend them. It is submitted that, considering the nature of offence, the applicants may not be released on bail.

7. The fact that the applicants are in jail for more than five years is not disputed. This Court by order dated 10th April 2024 in Criminal Appeal No.832 of 2023, has admitted the appeal filed by the co-accused Shrivankumar Manoharlal Manju @ Bishnoi and stayed the trial against the said co-accused.

8. Considering the overall facts and circumstances, I am inclined to release the applicants on bail.

ORDER

- (i) Both Criminal Bail Applications are allowed;
- (ii) The applicants are directed to be released on bail in connection with Crime No.44 of 2020 registered at Vadgaon Police Station, Kolhapur, for the offence punishable under Sections 307, 353, 332, 109, 279 read with Section 34 of Indian Penal Code, Sections 3, 25(1) (A), 5 (25), 28, 35 of the Arms Act, Sections 184, 177 of

the Motor Vehicle Act and under Sections 3 (1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 on executing PR. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount;

(iii) The applicants shall attend the concerned Police Station twice in a month i.e., on first and third Saturday between 11:00 a.m. to 1:00 p.m. till conclusion of trial;

(iv) The applicants shall not commit any other offence.

(v) Applications stand disposed of accordingly.

(N. R. BORKAR, J.)