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

CRIMINAL BAIL APPLICATION NO. 1349 OF 2024

Pravin Mahadev Helkar

.. Applicant

Versus

The State of Maharashtra

.. Respondent

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- Mr. Sugandh K. Zende, Advocate i/by Ms. Akshta Borade for Applicant.
 - Mr. R.M. Pethe, APP for Respondent – State.
 - Mr. Suryakant Doke, PSI – Borivali Police Station present.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 19, 2025.

P.C.:

1. Heard Mr. Zende, learned Advocate for Applicant and Mr. Pethe, learned APP for Respondent – State.

2. Mr. Zende, learned Advocate for Applicant has drawn my attention to the fact that the present Application has been filed in March 2024 and since 01.04.2024 the Application has been intermittently being listed on board on every occasion and has persuaded the Court to take up it for hearing.

3. In that view of the matter, on the last date when the Application was listed for the first time before this Court on 04.02.2025 it was mentioned by Mr. Zende at the time of rising of the Court. After hearing Mr. Zende, I had passed the following order:-

- “1. Mentioned out of turn at the time of rising of the Court.*
- 2. Heard Mr. Zende, learned Advocate for Applicant.*
- 3. This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) seeking Bail in connection with First Information Report No.667 of 2019 registered with Borivali Police Station for offences punishable under Sections 363, 394, 34, 364(A) of Indian Penal Code, 1860 (for short ‘IPC’) and Section 3(1)(ii), 3(2), 3(4) and 3(5) of Maharashtra Control of Organised Crimes Act, 1999 (for short ‘MCOCA’).*
- 4. Mr. Zende informs the Court that Applicant is arraigned as Accused No.1 and is in incarceration for the past four years and 10 months. On 13.09.2024 this Court had passed an order directing Respondent to file Affidavit-in-Reply, considering that indictment of Applicant is under MCOCA.*
- 5. Prima facie, it is seen that Applicant is the gang leader having 35 antecedents against him. However Mr. Zende would submit that as stated in the charge-sheet there are only 14 antecedents against Applicant.*
- 6. Trial in the case has already commenced. According to Mr. Zende only 7 witnesses have been examined. APP shall inform the Court as to how many witnesses are desired to be examined by the prosecution further.*
- 7. Respondent is directed to file its Affidavit-in-Reply positively within a period of two weeks from today.*
- 8. Stand over to 18th February, 2025.”*

3.1. Order dated 04.02.2025 stands complied with by the learned Prosecutor considering the indictment of the Applicant in offences under Sections Indian Penal Code, 1860 as also Maharashtra Control of Organised Crimes Act, 1999.

4. *Prima facie* the Court had observed that Applicant is the gang leader having 19 antecedents including the present offence against him. Despite that I have passed the order because of the long incarceration of the Applicant pending trial. Applicant is incarcerated

for the past little over 4 years and 10 months which impels me to take up this Application for bail.

5. In the present case, trial has commenced as informed me and it is seen that 11 witnesses out of probable 57 witnesses stated in the charge-sheet have been examined by the prosecution. The trial therefore would not be completed in the near foreseeable future which persuades me to take up the Application for hearing.

6. Today, when the Application is called out for hearing, Mr. Pethe, learned APP makes a grievance that he does not have a copy of the Bail Application. It has been handed over him by the Advocate for Applicant Mr. Zende in my presence.

7. Mr. Pethe persuades the Court to allow him to consider the case of the Applicant and adjourn the Application for hearing. At his request, stand over to **01st April, 2025**. To be placed on the **‘Supplementary Board’**.

[MILIND N. JADHAV, J.]

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