

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2897 OF 2024

1. Suraj N. Uttekar
2. Yogesh S. Sawant ...Applicants
V/s.
The State of Maharashtra ...Respondent.

WITH
BAIL APPLICATION NO. 3202 OF 2024

Santosh K. Bodake ...Applicant
V/s.
The State of Maharashtra ...Respondent.

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Mr. Siddharth N. Sutaria a/w. Mr. Abhijit Aher, Mr. Pushkar Durge
and Mr. Rakesh Uttekar i/b Mr. Suyash N. Khose for the Applicants.
Mr. T.G. Khan, APP for the Respondent/State.

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CORAM : N.R. BORKAR, J.
DATE : 03.02.2025.

P.C. :

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

2. The applicants in both these applications came to be arrested in Crime No.335 of 2015 registered at Bharti Vidyapeeth Police Station, Pune for the offences punishable under Sections 120-B, 302, 364A and 201 read with 34 of the Indian Penal Code, Section 4 read with 25 of the Arms Act, Section 37(1) read with 135 of the Maharashtra Police Act and Sections 3 (1)(i), 3(2) & 3(4) of the Maharashtra Control of Organized Crime Act,1999 (in short MCOC Act).

3. The bail is sought on the ground of long incarceration as under-trial prisoners. The learned counsel for the applicants submits that applicants are in jail for 9 years and the trial is not likely to be concluded in near future.

4. On the other hand, the Learned APP submits that the trial has commenced and the part of evidence is already recorded. The learned A.P.P. has however, not disputed the fact that applicants are in jail for 9 years.

5. Considering the fact that the applicants are in jail for 9 years, I am inclined to release them on bail. However, considering their criminal antecedents, certain conditions will have to be imposed. In the result, the following order is passed.

ORDER

A] The Applications are allowed.

B] The applicants in both applications shall be released on bail in C.R. No.335 of 2015 registered at Bharti Vidyapeeth Police Station, Pune for the offences punishable under Sections 120-B, 302, 364A and 201 read with 34 of the Indian Penal Code, Section 4 read with 25 of the Arms Act, Section 37(1) read with 135 of the Maharashtra Police Act and Sections 3 (1)(i), 3(2) & 3(4) of the MCOC Act, 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 applicants - Yogesh Sawant shall attend the concerned police station once in a month, i.e., on 1st Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

D] The applicants - Santosh Bodake and Suraj Uttekar shall attend the concerned police station twice in a month ,i.e., on 1st and 3rd Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

E] The applicants shall not commit any other crime.

F] Liberty is granted to the prosecution to move an application for cancellation of bail, in case they commit the breach of aforesaid conditions.

[N.R.BORKAR, J.]