

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

CRIMINAL BAIL APPLICATION NO.2934 OF 2024

Fransis Patric Manwel

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Akshay Bankapur, Advocate for the Applicant.

Mr. Amit A. Palkar, APP for the Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 10th JUNE, 2025.

P.C.:-

1. Heard Mr. Akshay H. Bankapur, learned Advocate for the Applicant and Mr. Amit A. Palkar, learned APP for the State.
2. By the present application under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, the Applicant is seeking bail in connection with Crime No.183 of 2023 registered at Igatpuri Police Station for the offences punishable under sections 120B, 387, 506 read with 34 of the Indian Penal Code, 1860.
3. Case of the prosecution is that the Applicant by use of his muscle power attempted to settle a civil dispute in respect of a property between the Informant and the other persons who are accused Nos.2 and 3 in the said crime. There are four accused in the crime.

4. Applicant and other two accused Nos.2 and 3 were arrested on 2nd October, 2023. The accused Nos.2 and 3 have been released on bail by the Court of the learned Judicial Magistrate First Class by order dated 5th October, 2023.
5. Criminal Bail Application No.773 of 2023 filed by the Applicant was dismissed by the Additional Sessions Judge, Nashik by order dated 17th May, 2024.
6. Learned Advocate for the Applicant submits that from the allegations made in the crime, it is evident that it is a civil dispute. He submits that as per the allegations the Applicant used the muscle power to settle the dispute between accused Nos.2 and 3. He submits that accused Nos.2 and 3 who can be said to be the beneficiaries in the transaction have been released on bail. He submits that at the most the role of the Applicant is of a facilitator. He submits that the Applicant is in custody for 20 months. He submits that apart from framing of charge, the trial has not been progressed. He submits that the maximum punishment in the offence alleged is of seven years. He therefore contends that this would be a case of long incarceration without any trial.
7. Mr. Amit A. Palkar, learned APP submits that the Applicant is a history-sheeter and many offences are registered against him. He submits that the Applicant is the main person without whom the crime could not be possible. He fairly states that though charge is framed in Regular Criminal Case No.99 of 2024, trial has not commenced.

8. I have heard the parties and perused the records with the assistance of the learned Advocate.
9. The accused Nos.2 and 3 at whose instance the offence is said to have been alleged have been enlarged on bail. The role of the Applicant is of using his muscle power to get the Informant on table and execute a document in favour of accused Nos.2 and 3.
10. The Applicant is in custody since 2nd October, 2023. The maximum penalty for the offences in the crime, is seven years. The trial has not commenced. The learned APP states that there are 46 witnesses shown in the list of witnesses.
11. In view of the above and considering the accused Nos.2 and 3 in the said crime, have been released on bail, there being 46 witnesses in the crime, resulting in the trial being prolonged, the Applicant would be justified in raising a ground and pressing for bail of long incarceration.
12. Mr. Akshay H. Bankapur, learned Advocate for the Applicant relies on the orders passed by this Court in the case of Vikas Chandrakant Patil Vs. State of Maharashtra¹ and Niklesh Prakash Patil Vs. State of Maharashtra², in support of his contention to submit that this Court has considered the law of long incarceration and disposed of many such matters.
13. In view of the above, the Application is allowed, however subject to the following conditions:-

¹ Bail Application No.1963 of 2025

² Criminal Bail Application No.1208 of 2025

(a) The Applicant shall be released on furnishing of PR bond of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the Judicial Magistrate First Class, Igatpuri, Nasik .

(b) The Applicant shall attend the Court on each date of hearing in RCC No.99 of 2024 pending before the Judicial Magistrate First Class, Igatpuri, Nasik, unless exempted.

(c) The Applicant shall not interfere or influence any of the witnesses in the case or tamper with evidence.

(d) The Applicant shall not enter in Igatpuri Taluka, District Nasik till the completion of the trial in RCC No.99 of 2024, except for attending Court cases in which the Applicant is either accused or a witness.

12. Bail Application No.2934 of 2024 is disposed in the aforesaid terms.

(ASHWIN D. BHOBE, J.)

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