

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

CRIMINAL BAIL APPLICATION NO. 3164 OF 2024

Sandip Bhagwan Hande	...Applicant
<u>VERSUS</u>	
The State of Maharashtra	...Respondent

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Mr. Shailesh Kharat a/w Mr. Tanmay Kate a/w Mr. Onkar Choudhari a/w Mr. Ashwet Bhoir, Advocate for the Applicant.

Ms. G. P. Mulekar, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 25.02.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 133 of 2021 registered at Chaturshrungi Police Station, Dist-Pune for the offences punishable under Sections 394, 395, 452, 120-B and 34 of the Indian Penal Code, Section 4(25) of the Arms Act, Section 37(1) read with 135 of the Maharashtra Police Act and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999.
3. According to the prosecution, on 03.03.2021 the present applicant and the other co-accused committed the dacoity at the house of the complainant and took away gold ornaments worth Rs.4,00,000 and cash amount of Rs.25,000/-.

4. The learned counsel for the applicant submits that the Sessions Court has granted bail to all other co-accused. It is submitted that this Court by order dated 15.03.2024 in bail application No. 2799 of 2023, permitted the applicant to withdraw application for bail with liberty to file fresh application after some time if there is no substantial progress in the trial. The learned counsel for the applicant submits that the applicant is in jail for three and half years, the trial is still at the stage of framing of charge.

4. On the other hand, the learned APP for the Respondent-State submits that the applicant is involved in serious crime of dacoity. There is a recovery of incriminating articles at the instance of the applicant. It is further submitted that the applicant is involved in seven more crime of similar nature.

6. The fact that the Sessions Court has released all other co-accused on bail is not disputed. The applicant is in jail for three and half year, and there is no progress in trial. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

A] The Application is allowed.

B] The applicant be released in Crime No. 133 of 2021 registered at Chaturshrungi Police Station, Dist-Pune for the offences punishable under Sections 394, 395, 452,

120-B and 34 of the Indian Penal Code, Section 4(25) of the Arms Act, Section 37(1) read with 135 of the Maharashtra Police Act and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999, 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 applicant shall not enter into the limits of Pune District except to attend the dates before the trial Court till conclusion of trial.

D] The applicant shall not commit any other crime.

E] It would be open to the prosecution to file an application for cancellation of bail if the applicant commits breach any of aforesaid conditions.

F] The applicant after his release shall submit his residential address and contact number to the Chaturshrungi Police station.

7. Application stands disposed of accordingly.

(N. R. BORKAR, J.)