

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

BAIL APPLICATION NO. 3219 OF 2024

Akshay @ Linga Sanjay Bhosale	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mrs. Shubhangi Parulekar, Advocate for the Applicant.

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

Mr. M.R. Pande (API), Pimpri Police Station, present.

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CORAM	:	N. R. BORKAR, J.
DATE	:	13th MARCH, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.817 of 2019 registered at Pimpri Police Station, District : Pune, for the offences punishable under Sections 302, 364, 326, 504, 201 and read with Section 34 of the Indian Penal Code, 1860 and Sections 3(1)(i)(ii), 3(4) of the Maharashtra Control of Organized Crime Act, 1999.
3. According to the prosecution, the present applicant is a member of organized crime syndicate formed by co-accused Shabaj Qureshi. It is alleged that on the date of incident,

which took place on 23.07.2019, the present applicant and other co-accused came to Kunal Bar and Restaurant to purchase beer. It is alleged that at that time on certain issue the applicant and co-accused assaulted the witness Sahil Lalwani and Kailash Patil and ran away. It is alleged that, while witness Lakhan Sukheja and the deceased were searching them, they saw co-accused Shabaj Qureshi and they apprehended him. It is alleged that at that time the applicant and other co-accused came there. It is alleged that they abducted the deceased and committed his murder.

4. I have heard the learned counsel for the applicant and learned A.P.P for the Respondent-State.

5. The bail is sought on the ground of long incarceration as under trial prisoner. The learned counsel for the applicant submits that the applicant is in jail for five years and six months. It is submitted that the trial is at the initial stage as the prosecution has examined only one witness. It is submitted that the trial is not likely to be concluded in near future as there are 104 witnesses. It is submitted that the applicant be thus released on bail.

6. On the other hand, the learned A.P.P. for the Respondent-State submits that the applicant is involved in serious crime. It is submitted that the trial has commenced and therefore at this stage the applicant may not be released on bail. It is further submitted that the applicant is involved in one more crime for the offences punishable under Sections 399 and 402 of IPC.

7. The fact that the applicant is in jail for five years and six months is not disputed. The trial is at the very initial stage as the prosecution has examined only one witness. Considering the fact that in all there are 104 witnesses, the trial is not likely to be concluded in the near future. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No.817 of 2019 registered at Pimpri Police Station, District : Pune, for the offences punishable under Sections 302, 364, 326, 504, 201 and read with Section 34 of the Indian Penal Code, 1860 and

Sections 3(1)(i)(ii), 3(4) of the Maharashtra Control of Organized Crime Act, 1999 on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(iii) The applicant shall not enter into the corporation limits of Pune City except to attend the dates before the trial Court;

(iv) Application stands disposed of accordingly.

(N. R. BORKAR, J.)