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

BAIL APPLICATION NO. 3380 OF 2024

Sanjay Kalpanath Pandey	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Samarth Karmarkar a/w. Mr. Tarun Shrivastava,
Mr. Shaunak Parulekar and Mr. Adarsh Mishra, i/b.
Karmarkar Associates for applicant.

Mr. Sagar R. Agarkar, APP for respondent-State.

Mr. Manoj Chalke, Police Inspector, SB-1, Kurar Police
Station, Mumbai.

CORAM : AMIT BORKAR, J.

DATED : JULY 10, 2025

P.C.:

1. By the present application filed under Section 439 of the Code of Criminal Procedure, 1973, the applicant is seeking his release on regular bail in connection with Crime Register No. 905 of 2020, registered with Kurar Police Station, Mumbai. The applicant is facing prosecution for offences punishable under Sections 307 (attempt to murder), 386 (extortion), 452 (house-trespass after preparation for hurt), 506(II) (criminal intimidation), and 323 (voluntarily causing hurt) read with Section 34 (common intention) of the Indian Penal Code, 1860, as well as Sections 3, 4 and 25 of the Indian Arms Act, 1959.

2. This is the second bail application preferred by the applicant.

The present application is filed in view of the liberty granted by this Hon'ble Court vide order dated 30th January 2024 in Criminal Bail Application No. 3523 of 2022. The case of the prosecution, briefly stated, is that on 28th October 2020, at about 5:25 p.m., while the first informant was present at his workplace, the applicant (accused no.1) along with accused no.3 reached the office premises. It is alleged that the applicant was armed with a chopper and had forcefully opened the door of the office. In an aggressive and threatening tone, he demanded the whereabouts of one Ramesh Patel and used abusive language. Accused no.3, later identified as one Pappu Nepali, was reportedly armed with a country-made revolver.

3. It is further alleged that when the applicant started shouting and creating panic, one Mahendra Sen Kumar, a worker, came into the office. The applicant allegedly pushed him aside and entered the premises. Thereafter, the applicant is said to have intimidated other workers by waving the chopper in the air and instructed the informant to call Ramesh Patel. Although the informant attempted to contact Ramesh Patel by phone, the latter did not answer. The applicant is alleged to have demanded a monthly payment of ₹15,000/- from the informant as extortion on behalf of accused no.2, warning that such payment was necessary for carrying out business in the locality. It is further alleged that the applicant attempted to strike the informant on the neck with the chopper. However, as the informant dodged, the blow landed from the shoulder to chest, causing him injuries. Thereafter, the applicant is stated to have kicked and beaten the informant, and then the

accused persons fled from the spot. The informant then contacted his uncle and instructed him to lodge the police complaint.

4. Learned counsel appearing for the applicant submitted that the applicant has been in custody since 29th October 2020. He pointed out that the charges have not yet been framed, and that there has been considerable delay in trial. It was argued that such delay is not attributable to the applicant, as on multiple dates the accused were not produced from jail custody. The learned counsel also submitted that the prosecution has cited as many as 59 witnesses and that the trial is likely to take considerable time. Relying upon the fundamental right guaranteed under Article 21 of the Constitution of India, the learned counsel urged that continued incarceration of the applicant amounts to violation of his right to personal liberty and fair trial. It is therefore submitted that the applicant be released on bail with suitable conditions.

5. On the other hand, the learned APP vehemently opposed the bail application. He placed reliance on the material collected during investigation and pointed out that the entire incident was captured in CCTV footage. He further submitted that there are as many as 19 eye-witnesses to the incident. It was also brought to the notice of this Court that the applicant has multiple criminal antecedents and is a habitual offender. Considering the seriousness of the allegations, the learned APP urged that the application for bail deserves to be rejected.

6. I have carefully considered the rival submissions advanced by the learned counsel for the applicant and the learned APP. I

have also perused the record of the case and the nature of allegations made against the applicant. The prosecution case, no doubt, discloses that the applicant is alleged to have assaulted the informant with a chopper and caused injury. However, the incident took place on 28th October 2020, and the applicant has been in custody since 29th October 2020. Thus, he has undergone incarceration for nearly four years and nine months.

7. It is seen from the record that charges have not yet been framed. The trial is yet to commence. The prosecution has cited 59 witnesses. Considering the number of witnesses, the trial is not likely to conclude in the near future. The learned counsel for the applicant has rightly submitted that the delay in commencement of the trial is not attributable to the applicant alone, and in fact, on several occasions, the accused persons were not produced from jail custody. The right to speedy trial is a fundamental right protected under Article 21 of the Constitution of India.

8. In view of the above facts and circumstances, and considering the long period of incarceration undergone by the applicant, coupled with the delay in trial, I am of the opinion that a case for grant of bail is made out. Hence, the following order:

ORDER

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.905 of 2020, upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand only) with one or more solvent sureties in the like

amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicant shall report Kurar Police Station on 1st and 15th day of every month between 10.00 a.m. to 12.00 noon, until further orders.
 - b) The applicant shall not tamper with the evidence or attempt to influence any witness.
 - c) The applicant shall not contact the witnesses, directly or indirectly.
 - d) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
 - e) The applicant shall not enter the jurisdiction of the concerned police station.
 - f) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
 - g) The applicant shall not indulge in any criminal activity during the pendency of the trial.
 - h) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.
9. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)