

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3773 OF 2024

Sanjay Jagannth Bhange

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....

- Mr. Chetan S. Damre, Advocate i/by Vitthal Sankpal for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for Respondent.
- API – Dhotre, DCB, CID, A.E. Cell, Mumbai.

.....

CORAM : MILIND N. JADHAV, J.

DATE : MAY 05, 2025

P.C.:

1. Heard Mr. Damre, learned Advocate for Applicant and Ms. Ganapathy, learned APP for Respondent.

2. This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking Bail in connection with C.R. No.738 of 2021 registered with V. P. Road Police Station for offences punishable under Sections 387, 307, 325, 323, 120B, 506(2), 143, 144, 147, 148, 149 of the Indian Penal Code, 1860 and Sections 3(i)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crimes Act, 1999 (for short 'MCOCA Act').

3. Applicant is arraigned as Accused No.6 in the present crime.

4. Mr. Damre has placed before me order dated 24.04.2025 passed in Bail Application No.2164 of 2023 in respect of enlargement

of bail of Accused No.1 the gang leader by this Court (Coram : Shivkumar Dige, J.) on the ground of long incarceration and no progress in trial.

5. He has thereafter placed before me order dated 31.01.2025 passed in Criminal Bail Application No.944 of 2024 in respect of one of the co-accused person arraigned as Accused No.2 who has been granted bail by this Court considering his role in the present crime.

6. In so far as role of present Applicant is concerned, Ms. Ganapathy, learned APP would persuade the Court to consider the fact that he has inflicted fist and kick blows on the victim leading to his death.

7. *Prima facie*, it is seen from the record emanating from prosecution case that Accused No.4 has used a knife for inflicting the fatal blow on the deceased – victim. Also placed before me is order dated 21.10.2025 passed in Bail Application under Exhibit No.136 in Special Case No.1451 of 2021 by the learned Sessions Court in the case of another co-accused namely Accused No.3 in the present crime.

8. On perusal of the aforesaid three orders and *prima facie*, considering role of present Applicant arraigned as Accused No.6, it is seen that the facet of long incarceration pending trial where charge has been framed but trial has not commenced needs to be considered in view of the imprimatur of Court in the aforesaid orders enlarging the

other co-accused persons on bail.

9. That apart, in so far as present Application is concerned, in the order dated 04.04.2023 while rejecting previous Bail Application, Applicant was given liberty to file fresh Bail Application after recording of evidence of key witnesses in the present crime which the Court had directed the prosecution to endeavour and complete within a period of one year from the date of that order.

10. That period having elapsed and stage and progress of trial being as it was at that time, persuades me to consider the Bail Application of Applicant for grant of bail. In view of parity as also long incarceration, considering progress of trial being slow and conclusion of trial being uncertain in the near foreseeable future, Applicant has made out a case for grant of bail.

11. In view of the above *prima facie* observations, I am of the opinion that Applicant deserves to be enlarged on bail. Hence, the following order:-

- (i) Applicant – Sanjay Jagannth Bhange who is facing trial in MCOC Special Case No.1451 of 2021 pending on the file of Additional Sessions Judge, Mumbai, is ordered to be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties of the like amount;

- (ii) Applicant shall not enter or reside in the jurisdiction of V.P. Road Police Station and Dr. D.B. Marg Police Station (Lamington Road Police Station) for a period of five years or until the trial is concluded, whichever is earlier. Applicant shall report to the concerned Investigating Officer as and when called and not otherwise;
- (iii) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted;
- (iv) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;
- (v) Applicant shall not establish contact with First Informant and /or influence witnesses or tamper with the evidence in any manner;
- (vi) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time, as applicable;
- (vii) Applicant shall surrender his passport, if any, with the Trial Court; and

(viii) Any infraction of the conditions shall entail prosecution to apply for cancellation of bail granted to the Applicant.

12. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

13. Bail Application No.3773 of 2024 stands allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT
Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date:
2025.05.05
19:01:25 +0530