

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4165 OF 2024

Yogesh D. Sawant	...Applicant
V/s.	
State of Maharashtra	...Respondent.

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Mr. Shirish Gupte, Sr. Advocate i/b Mr. Zaid Anwar Qureshi for the Applicant.

Mr. P.H. Gaikwad, APP for the Respondent/State.

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CORAM	:	N.R. BORKAR, J.
DATE	:	30.04.2025.

P.C. :

1. This is an application for regular bail.

2. The applicant came to be arrested in Crime No.447 of 2020 of registered at Chikhali Police Station, Pimpri- Chinchwad for the offences punishable under Sections 302, 201, 364, 365, 368, 323, 504, 506, 143 and 149 of the Indian Penal Code, Section 37(1) read with Section 135 of the Maharashtra Police Act and Sections 3(1)(ii) and 3(4) of the Maharashtra Control of Organized Crime Act.

3. According to the prosecution, the applicant is a gang leader of organized crime syndicate. There was dispute between the applicant and the deceased on account of certain financial transactions. It is alleged that thus in the intervening night of

11.12.2020 and 12.12.2020, the present applicant along with other co-accused came to the house of deceased. It is alleged that they assaulted the parents of the deceased. They abducted the deceased and committed his murder.

4. I have heard the learned senior counsel for the applicant and the learned APP for the respondent – State.

5. Learned senior counsel for the applicant has drawn my attention to the order passed by the Honble Supreme Court dated 23.4.2025 in Petition(s) for Special Leave to Appeal (Cri.) No.2493 of 2025. By the said order the Hon'ble Supreme Court has granted bail to the co-accused Sunny alias Nakul Kuchekar on the ground of long incarceration as under-trial prisoner and as the trial is not likely to be concluded in near future. The learned senior counsel submits that the present applicant is also in jail for more than four years. It is further submitted that the parents of the deceased had not supported the prosecution case on the point of alleged abduction. It is submitted that there is no other material to connect the applicant with the alleged murder of the deceased. It is thus submitted that the applicant may be released on bail.

6. On the other hand, learned APP for the respondent/State submits that the applicant is a gang leader. It is submitted that the applicant is involved in six more crimes of serious nature. It is submitted that the trial has commenced and thus the application at this stage may not be entertained.

7. The Hon'ble Supreme Court by the order dated 23.04.2025 in Petition(s) for Special Leave to Appeal (Cri.) No. 2493 of 2025 granted bail to the co-accused Sunny Kuchekar at whose instance dead body was recovered. The said co-accused was also having criminal antecedents. Considering the overall facts and circumstances, I am inclined to release the applicant on bail.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 447 of 2020 of registered at Chikhali Police Station, Pimpri-Chinchwad for the offences punishable under Sections 302, 201, 364, 365, 368, 323, 504, 506, 143 and 149 of the Indian Penal Code, Section 37(1) read with Section 135 of the Maharashtra Police Act and Sections 3(1)(ii) and 3(4) of the Maharashtra Control of Organized Crime Act. 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 District Pune except to attend the dates before the trial Court till conclusion of the trial.

D] The applicant shall deposit his Passport with the Trial Court.

E] The applicant shall not tamper with the prosecution evidence.

F] It would be open to the State to file an application for cancellation of bail, if the applicant commits breach of any of the above conditions.

[N.R.BORKAR, J.]