

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

BAIL APPLICATION NO. 4949 OF 2024

Datta @ Shridhar Vasantrao Patil	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Ms. Sana Raees Khan a/w Ms. Neha Balani and Ms. Juhi Kadu,
Advocate for the Applicant.

Mr. Vinod Chate, A.P.P. for the Respondent – State.

Mr. Maroti Madewad (PSI), Bhosari Police Station, Pune,
present.

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CORAM	:	N. R. BORKAR, J.
DATE	:	20th MARCH, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.368 of 2020 registered at Bhosari Police Station, District : Pune, for the offences punishable under Sections 302, 324, 352, 143, 144, 146, 147, 148, 149, 120-B, 109 and 212 of the Indian Penal Code, Section 4 read with Section 25 of the Arms Act, Section 37(1) read with Section 135 and 142 of the Maharashtra Police Act and Sections 3(i)(ii), 3(2)(3), 3(4) of

the Maharashtra Control of Organized Crime Act, 1999.

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

4. By order dated 5th January 2024 this Court has rejected the earlier bail application filed by the present applicant with the following findings :

“6. The records prima facie reveal that the assailant Mangesh More is the gang leader, who runs organised crime syndicate. About 9 cases are registered against him at Dighi and Bhosari Police Station and the same are pending before different courts. The statement of Nikhil Ramchandra Dabale, recorded under Section 18 of the Maharashtra Control of Organised Crime Act, 1999 prima facie reveals that the Applicant herein used to give monetary aid and look after bail matters and other affairs of the said organised crime syndicate. The statement of Nikhil also prima facie reveals that the Applicant herein had met co-accused-Mangesh More and had informed him that Mayur Madke had to be eliminated. The Applicant had taken the responsibility of providing monetary assistance and that he had given an amount of Rs.10,000/- to Mangesh More to procure weapons. The statement of this witness thus further revealed that after the assault they had phoned the Applicant Datta Patil and informed him that the deceased had been eliminated and the Applicant had told them not to waste time and to return to Latur. He has further stated that later he had met the Applicant and that the Applicant had given Rs.5,000/- and told him to leave the place.

7. The statement of this witness prima facie shows that the Applicant is actively involved in the affairs of the organised crime syndicate headed by the gang leader-Mangesh More and that he had told the gang leader Mangesh More. The role attributed to the Applicant is not similar to that of the role of the co-accused-Om Mathpati. The Applicant was not similarly placed. Hence, the principle of parity is not applicable.”

5. The learned counsel for the applicant submits that there is a change in circumstance as after the above order, this Court by order dated 15th October 2024 has granted bail to the co-accused Shubham Ajay Wankhede on the ground of long incarceration as under trial prisoner. It is submitted that the applicant is in jail for about four and half years and the trial has not commenced. It is submitted that the applicant may, therefore, be released on the ground of long incarceration.

6. On the other hand, the learned A.P.P. for the Respondent-State submits that this Court has already rejected the application of the applicant on merits. It is submitted that the applicant is involved in 10 crimes out of which one of the crimes is for the offence punishable under Section 302 of the IPC. It is submitted that considering the overall facts and circumstances, the applicant may not be released on bail and

the trial be expedited.

7. Considering the nature of offence, this Court has already rejected the bail application filed by the applicant. The applicant is involved in ten more crimes of serious nature. The learned counsel for the applicant submits that the applicant has been acquitted in three crimes. Considering overall facts and circumstances of the case, I am not inclined to release the applicant on bail. Hence, the application stands rejected. However, as the applicant is in jail for about four and half years, the Trial Court shall endeavour to conclude the trial as early as possible.

(N. R. BORKAR, J.)