

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

CRIMINAL APPEAL NO.684 OF 2025

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Santosh @ Luby Chintamani Chandilkar
Indian Inhabitant, Permanently residing at
Village Jamb, Taluka : Indapur, Dist. : Pune
and at present lodged in Yerwada Central
Prison at Yerwada, Pune.

...Appellant

Versus

1. **The State of Maharashtra**
(At the instance of Walchandnagar
Police Station vide C.R. No.46 of 2013).
2. **Dada Shivaji Jadhav**
Hotel Mahalaxmi, Jambh, Taluka : Indapur,
District : Pune – 413 106.

...Respondents

Mr.Subhash Jha a/w Mr.Siddharth Jha,Mr.Sumeet Upadhaya, Mr.Ashish Saxena, Mr.Chetan Gogawale i/b. Mr.Rohit Rajaram Gujar – Law Global Advocates:-	Advocates for Appellant.
Mr.Ashok S. Gawai:-	APP for Respondent No.1 -State.
Mr.Ghansham Jadhav:-	Advocate for Respondent No.2.

CORAM : S. M. MODAK, J.

DATE : 17th SEPTEMBER 2025

P. C. :-

1. I have heard learned Advocate Shri.Jha for the Appellant, learned APP and learned Advocate for the Respondent No.2 / First-Informant.
2. There is a charge-sheet filed against the present Appellant along

with the others at Walchandnagar Police Station – District : Pune vide C.R. No.46 of 2013 registered under Section 3(2)(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (“**SC & ST Act**”), under Sections 302, 307, 143, 147, 149, 120-B, 201 of Indian Penal Code, 1860 (“**IPC**”) and Section 7(1)(d) of the Protection of Civil Rights Act, 1955.

3. When he was in the judicial custody, he jumped bail and there is offence registered against him at Bharati Vidyapeeth Police Station at C.R. No.183 of 2017 for the offence under Section 224 read with 34 of IPC. He jumped from the Magistrate custody on 11th April 2017 and arrested after some period. It is the case of the prosecution that prior to his rearrest, he committed various offences in Pune District and in Satara District. There are also charge-sheet filed against him.

4. He applied for bail before the Court of the Additional Sessions Judge–Baramati in present crime. However, it was rejected on 20th May 2024. The present Appeal contains the grounds about the merits. However, during arguments, Mr.Jha has mainly focused on long incarceration of this Appellant without trial being conducted. According to him, for more than 12 and half years, he is behind bar. Mr.Jha relied upon various judgments. He has filed compilation. Apart

from that, he placed reliance on three orders granting bail pending trial. Some of them connecting the Appellant and one is involving the co-accused. They are as follows:-

(a) The order dated 14th August 2025:-

Passed in Criminal Bail Application No.1530 of 2025 (involving the offences under IPC. One of them is offence under Section 302 of IPC and involving the offences under MCOC Act). The case is registered as MCOC Case No.7 of 2018. This Appellant was granted bail (Ashwin D.Bhobe, J.).

(b) The order dated 18th August 2025:-

Passed by N.R. Borkar, J. in Criminal Appeal No.627 of 2025 involving co-accused Satpal Rupanwar in present crime.

(c) The order dated 24th January 2024:-

Passed by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.10015 of 2023.

5. There is a strong opposition by learned APP and learned Advocate for the First-Informant on account of his conduct and serious crimes committed by him prior to the present crime and also during the period wherein he has jumped bail. Learned APP has filed a report given by the Sub-Divisional Police Officer – Baramati narrating the offences registered against him during the period he jumped bail and other offences also. Both of them submitted that if he is granted bail,

there is likelihood that he will commit an offence and will also threaten the prosecution witnesses.

6. No doubt it is true in the year 2017-2018, there are offences involving 302 and other bodily offences. By way of reply, Mr.Jha submitted that in many of the offences which are registered against his client, when he has jumped the bail, he has been acquitted. He placed reliance on compilation of various orders passed by the trial Court. There is some dispute amongst the parties about the registration of the offences involving the Appellant mentioned at Sr.No.16 of the Police report and also about acquittal in various cases.

7. I have read the orders passed by the learned Single Judges of this Court. Even learned Advocate for the First-Informant invited my attention to an order of staying the trial of present crime passed by the trial Court. This order was passed on an Application moved by the witness. On account of pendency of two MCOC cases (Atrocity Special Case No.34 of 2013 and MCOC Case No.7 of 2018), the trial of present crime is stayed by the order dated 21st August 2024. This order is under challenge by the First-Informant by way of Criminal Appeal. It is pending. Even I have gone through the Affidavit-in-Reply on behalf of the prosecution thereby opposing the bail.

8. It is true every '*undertrial prisoner*' is having right to speedy trial. This is recognized by the Hon'ble Supreme Court in various judgments for several years. On one hand, we cannot curtail liberty of a person and on the other hand, such a person remains in jail without trial being conducted. Learned APP submitted that the Appellant has to produce the relevant roznamas from the Court in order to rule out the possibility that delay is not on account of the Appellant. In a normal case, I could have directed the Appellant to do that exercise but in this case, I have not done this exercise because the co-accused is granted bail by Justice N.R.Borkar and even the present Appellant is granted bail by Justice Ashwin D. Bhobe wherein there are much serious allegations involving the MCOC Act. There are stringent conditions as to grant of bail as per MCOC Act.

9. So I cannot deny the benefit of the bail on account of long incarceration. Just because the Appellant has jumped bail and just because there are several offences, need not be considered so as to deny the bail. At the most, there can be strict conditions. There is a submission that he may not be allowed to enter the area of Pune and Malshiras Taluka of Solapur District. In view of that, I am inclined to pass the following order:-

ORDER

- (i) **The Appeal is allowed.**
- (ii) The order dated 20th May 2024 passed by the Court of Additional Sessions Judge, Baramati, District Pune in Atrocity Special Case No.34 of 2013 is set aside.
- (iii) **The Appellant – Santosh @ Luby Chintamani Chandilkar** be released on bail **on furnishing personal bond and surety bond of Rs.50,000/- (Rupees Fifty Thousand)** in connection with C.R. No.46 of 2013 registered with Walchandnagar, Taluka : Baramati, District : Pune for the offences under Sections 302, 307, 143, 147, 149, 120-B, 201 of IPC, under Section 3(2)(5) of SC & ST Act and Section 7(1)(d) of the Protection of Civil Rights Act.
- (iv) Bail be furnished before the Special Court at Indapur, District : Pune.
- (v) The Appellant is directed not to enter the Pune District and Malshiras Taluka of District Solapur till the conclusion of the trial.
- (vi) For attending Indapur Court on dates, he is permitted to enter Pune District.
- (vii) He is directed to furnish his alternate address to the Police and to the Court.
- (viii) The Appellant is directed not to threaten the prosecution witnesses or to allure them in any manner.
- (ix) In case of breach of the conditions, liberty to apply for cancellation of bail.

10. With these observations, **the Appeal is disposed of.**

[S. M. MODAK, J.]