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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1530 OF 2025

Santosh @ Lubya Chintamani
Chandilkar

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr. Satyavrat Joshi i/b Mr. Yash Fadtare, Advocate for the Applicant.

Ms. Anamika Malhotra, APP for Respondent/State.

Mr. Ajit Divate-PSI, Sant Tukaram Nagar, Police Station, Pune.

CORAM : ASHWIN D. BHOBE, J.

DATE : 14th AUGUST, 2025.

P.C. :

1. Heard Mr. Satyavrat Joshi, learned Advocate for the Applicant and Ms. Anamika Malhotra, learned APP for the State.

2. By the present Application, Applicant is seeking bail in Crime No. 352 of 2017 for the offences punishable under Sections 115 r/w 302, 511, 120(B), 212, 216, 219, 223, 224, 225, 120, 34 of the IPC r/w Sections 3, 5, 25, 27, 35 of the Arms Act, 1959 r/w Sections 3(1)(ii), 3(2), 3(3), 3(4), 24 of the Maharashtra Control of Organized Crime Act, 1999. Said crime is registered as MCOC Case No.7 of 2018 and is pending before the Court of the Special Judge under MCOC Act, Pune.

3. There are 18 Accused in the present crime. Applicant is Accused No.1.

4. Applicant was arrested on 29th September, 2017 since then his in jail. Bail Application at Exhibit-253 in MCOC Case No.7 of 2018 filed by the Applicant was rejected by the Special Judge under MCOC Act, Pune by its order dated 10th March, 2025.

5. Mr. Satyavrat Joshi, learned Advocate for the Applicant, submits that the Applicant is seeking bail on the sole ground of long incarceration of the Applicant. He submits that the Applicant is in jail for a period of almost 7 years and 11 months. He submits that till date charge is not framed in MCOC Case No.7 of 2018 . He therefore submits that the Applicant is deprived of his fundamental right to speedy trial.

6. Ms. Anamika Malhotra, learned APP for the State, submits that the offences in the present crime are serious in nature, which was committed by the Applicant when he was being taken to attend the Court in some other crime. She submits that the Applicant is the gang leader. She submits that the Applicant has 18 criminal antecedents. She however does not dispute the fact of charge not being framed, as on date in MCOC Case No.7 of 2018

7. I have perused the records with the assistance of the learned Advocates of the parties.

8. The Hon'ble Supreme Court in the case of Siddhant @ Sidharth Balu Taktode vs. State of Maharashtra¹ in paragraph Nos.8, 9 and 10 has observed as follows:-

¹ SLP(Crl.) No. 12939 of 2024
Gayatri Shimpi

8. A perusal of the judgment of the learned Single Judge would reveal that the learned Judge has basically rejected the appeal on the ground that the twin conditions as required under the provisions of the said Act i.e. (i) Satisfaction of the Court that there are reasonable grounds for believing that the accused is not guilty of the alleged offence; and (ii) He/she is not likely to commit any offence while on bail. While doing so, the learned Judge has given elaborate reasonings and has held that the appellant is not entitled to grant of bail.

9. However, it is to be noted that this Court in the case of Manish Sisodia v. Directorate of Enforcement³, while considering the twin conditions, as applicable under the provisions of Prevention of Money Laundering Act, 2002 has held that prolonged incarceration without the accused being made to face the trial would result in forcing him to face the sentence without undergoing the trial. In the said case of Manish Sisodia (supra), the Court has also held that the right to speedy trial is also one of the facets of the rights flowing from Articles 19 and 21 of the Constitution of India. 3 2024 SCC OnLine SC 1920 : 2024 INSC 595 The said judgment of this Court in the case of Manish Sisodia (supra), has been constantly followed in various other judgments including the case of Kalvakuntla Kavitha v. Directorate of Enforcement⁴.

10. The material placed on record would reveal that for a period of the last six years, out of 102 dates, the accused has not been produced before the Court either physically or through virtual mode on most of the dates. On the last date, we had put a query to the learned counsel appearing for the State as to why the charges were not framed as of date in this case. Shri Kilor fairly states that the charges have not been framed in the cases which are registered prior to the registration of the present case. We may say with anguish that this is a very sorry state of affairs. If an accused is incarcerated for a period of approximately five years without even framing of charges, leave aside the right of speedy trial being affected, it would amount to imposing sentence without trial. In our view, such a prolonged delay is also not in the interest of the rights of the victim.

(Emphasis Supplied)

9. Applicant being in jail since 29th September, 2017 that is for a continuous period of 7 years and 11 months and charge not being

framed in MCOC Case No.7 of 2018 even as on date, are facts which are not in dispute. Observations of the Hon'ble Supreme Court in paragraph No.10 in the case of Siddhant (supra) would squarely apply to the case in hand.

10. Facts referred to herein above, compels this Court to enlarge the Applicant on bail.

11. Ms. Anamika Malhotra, learned APP for the State, submits that considering the antecedents of the Applicant, till the conclusion of trial the Applicant should be restrained from entering the jurisdiction of Pune District and condition of reporting before Police be imposed.

12. Mr. Satyavrat Joshi, learned Advocate for the Applicant, on instructions from the Applicant submits that the Applicant shall not enter the jurisdiction of Pune District till the conclusion of trial except for attending the Court cases in which the Applicant is an Accused. He submits that the Applicant will report to Khandala Police Station, District Satara Station. Statements accepted.

13. In view of the above, this Application is allowed on the following conditions:-

- (a) Applicant is directed to be released on bail in connection with C. R. No.352 of 2017 registered with Pimpri Police Station, Pune on his furnishing PR bond in the sum of Rs.50,000/- with one or two local sureties in the like amount to the satisfaction of Additional Sessions Judge, Pune.

(b) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade such person from disclosing the facts to the Court or any police officer and shall not tamper with evidence.

(c) Applicant upon his release, within 3 days shall furnish to the Investigation Officer, Pimpri, Police Station, his residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.

(d) Applicant shall report to the Khandala Police Station District Satara Station on the first and fourth Saturday of every month from 10.00 to 1.00 p.m. till the further orders from the Trial Court. Khandala Police Station to submit the report to the Investigation Officer, Pimpri Police Station District Pune.

(e) Applicant shall not enter the territorial jurisdiction of Pune District till the conclusion of trial of MCOC Case No.7 of 2018 .

14. Bail Application No. 1530 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE, J.)