

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

BAIL APPLICATION NO. 1846 OF 2025

Sheetal alias Vicky Naghnath More ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Vaibhav Kulkarni, a/w Abhishek Jare, Disha Rathod,
Prathamesh Deshpande and Yash Agarwal, for the
Applicant.

Mrs. Mahalakshmi Ganapathi, APP, for the Respondent –
State.

CORAM: N. J. JAMADAR, J.

DATED: 30th JULY, 2025

ORDER:-

1. Heard the learned Counsel for the parties.
2. The applicant, who is arraigned in MCOC Special Case No.1 of 2020 arising out of C.R. No.244 of 2018 registered with Pandharpur City Police Station, District Solapur, for the offences punishable under Sections 120B, 302, 303, 201, 143, 147, 148 and 149 of the Indian Penal Code, 1860 and Sections 3 and 4 read with Section 25, Section 5 read with Section 27 of the Arms Act, 1959, Section 135 of the Maharashtra Police Act, 1951 and Sections 3(1)(i), 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (“the MCOC Act”) has preferred this application to

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enlarge him on bail.

3. In fact this is a second application for bail before this Court. The first application, being BA/1770/2023, was rejected by this Court by an order dated 26th August, 2024.

4. Mr. Kulkarni, the learned Counsel for the applicant, submitted that in the intervening period few of the co-accused have been enlarged on bail, and there has not been any progress in the trial as much as the charge has yet not been framed. The applicant came to be arrested on 8th June, 2018. The applicant has been in custody for over seven years. The prosecution has cited 122 witnesses. As charge has yet not been framed, it is extremely unlikely that the trial can be concluded within a reasonable period.

5. Mrs. Ganapathy, the learned APP for the State, strongly opposed the prayer for bail. It was submitted that this Court has already considered the prayer for bail on merits and, by ascribing reasons, the first application came to be rejected. Mrs. Ganapathy laid emphasis on the fact that while rejecting the said application, this Court had even considered the ground of long period of incarceration. Therefore, according to Mrs. Ganapathy, there is no change in circumstances, which would warrant afresh consideration of the prayer for

bail.

6. I find it rather difficult to accede to the submission on behalf of the State. It could not be controverted that charge has yet not been framed. An endeavour was, however, made to wriggle out of the situation by submitting that as there are 27 accused, the charge could not be framed as the accused are filing applications, one after another, and thereby impeding the progress of the trial. The aforesaid explanation cannot be countenanced. The applicant has been in custody for over seven years. Given the pace of the proceedings before the Special Court (MCOCA) and the fact that the trial has yet not commenced, the submission on behalf of the applicant that the trial is not likely to conclude in near future as the prosecution proposes to examine 122 witnesses, appears well founded.

7. Suffice to note that post the decision of the Supreme Court in the case of *Union of India vs. K. A. Najeer*¹ which enunciates that the statutory restrictions in the matter of grant of bail melt down in the face of a long period of incarceration without trial, in a series of judgments it has been postulated that long period of incarceration without a

1 (2021) 3 SCC 713.

real prospect of expeditious conclusion of the trial impinges upon the right of the accused to have a speedy trial, which is a facet of right to life guaranteed under Article 21 of the Constitution of India. In the case at hand, as is evident, the facts are hard and the prospect of expeditious conclusion of the trial extremely bleak. The manner in which the trial has progressed gives no assurance that it can be concluded within a foreseeable future.

8. Indeed, this Court had recorded reasons while rejecting first bail application. However, it is imperative to note that one of reasons which weighed with this Court in rejecting the application was the confessional statement of the co-accused which implicated the applicant and Sandeep Adhatrao (A6). By an order dated 13th June, 2015 in BA/4399/2024, Sandeep Adhatrao (A6) has also been ordered to be enlarged on bail. That apart, in the intervening period, the other co-accused namely Omkar Jadhav (A11), Sachin Waghmare (A9) and Prathamesh Londhe (A12) have also been enlarged on bail noting, *inter alia*, the long period of incarceration.

9. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

10. Hence the following order:

: O R D E R :

- (i) Application stands allowed.
- (ii) The applicant - Sheetal alias Vicky Naghnath More be released on bail in MCOC Special Case No.1 of 2020 arising out of C.R. No.244 of 2018 registered with Pandharpur City Police Station, District Solapur, on furnishing a PR bond in the sum of Rs.1,00,000/- and one or two sureties in the like amount to the satisfaction of the Trial Court.
- (iii) The applicant shall mark his presence at DCB, CID, Mumbai on first Monday of every month between 11 am to 1 pm for a period of two years or till the conclusion of the trial, whichever is earlier.
- (iv) The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.
- (v) On being released on bail, the applicant shall furnish his contact number and residential address to the

investigating officer and shall keep him updated, in case there is any change.

- (vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the co-accused and the Trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

[N. J. JAMADAR, J.]