

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

CRIMINAL BAIL APPLICATION NO. 1988 OF 2025

Datta Dyaneshwar Waghole

...Applicant

VERSUS

The State of Maharashtra

...Respondent

....

Mr. Shailesh Chavan a/w Mr. Saurabh Dabhade a/w
Mr. Hrishikesh Avhad a/w Mr. Sachin Pawar, Advocate for the
Applicant.

Ms. P. S. Rane, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 06.05.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 332 of 2016 registered at Talegaon Dabhade Police Station, Dist-Pune Rural for the offences punishable under Sections 302, 395, 120-B, 143, 147, 148 and 149 of the Indian Penal Code, Sections 3, 4, 25 and 27 of the Arms Act and Sections 3(1)(i), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act.
3. It is the case of the prosecution that the present applicant is a member of organised crime syndicate formed by Shyam Dabhade. It is alleged that said gang

was asking the deceased to pay them hafta as he was contractor for supply of Drinking Water to MIDC. It is alleged that as the deceased was not paying them hafta and, thus, on the date of incident, which took place on 16.10.2016, they assaulted the deceased by sharp weapons and committed his murder.

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

5. The bail is sought on the ground of long incarceration as under-trial prisoner. The learned counsel for the applicant submits that the applicant is in jail for eight years and six months and except framing of charge there is no progress in the trial. It is submitted that the trial is not likely to be concluded in near future as there are 145 witnesses. The learned counsel for the applicant has drawn my attention to the order passed by the Hon'ble Supreme Court dated 16.05.2023 in S.L.P. (Cri) NO.4684 of 2023 by which the Hon'ble Supreme Court has granted bail to the co-accused Shankar Dabhade on the ground of long incarceration. The learned counsel for the applicant submits that there are no other criminal antecedents against the applicant.

6. On the other hand, the learned APP for the Respondent/State submits that the case is based on direct evidence. It is submitted that the deceased was brutally murdered and the present applicant was the main assailant. The learned APP submits that the applicant may not be released on bail and the trial be expedited.

7. The fact that the applicant is in jail for eight years and six months is not disputed. There are in all 145 witnesses. The Hon'ble Supreme Court, has released the co-accused Shankar Dabhade on bail on the ground of long incarceration. Considering the overall facts and circumstances of the case and as there are no other criminal antecedents, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

A] The Application is allowed.

B] The applicant be released on bail in Crime No. 332 of 2016 registered at Talegaon Dabhade Police Station, Dist-Pune Rural for the offences punishable under Sections 302, 395, 120-B, 143, 147, 148 and 149 of the Indian Penal Code, Sections 3, 4, 25 and 27 of the Arms Act and

Sections 3(1)(i), 3(2) and 3(4) of the Maharashtra Control of Organised 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 Pune district, till conclusion of trial, except to attend the dates before the trial Court.

D] The applicant shall furnish his residential address and contact number if any to the concerned police station.

E] The applicant shall deposit his passport with the concerned police station.

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

8. Application stands disposed of accordingly.

(N. R. BORKAR, J.)