

Nikita

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

BAIL APPLICATION NO.1993 OF 2025

Suraj Vilas Gaikwad ... Applicant

V/s.

The State of Maharashtra ... Respondent

WITH

INTERIM APPLICATION NO.2215 OF 2025

Sandeep Balasaheb Shelke ... Applicant

V/s.

The State of Maharashtra ... Respondent

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

Mr. Ashwin Shete a/w Mr. Santosh Avhad i/b Jaykar and Partners for the Intervener.

Mr. Vinod Chate, APP for the State.

CORAM : ASHWIN D. BHOBE, J.

DATED : 23rd JUNE, 2025

P.C.:

1. Heard Mr. Shailesh Chavan, learned Advocate for the Applicant. Mr. Vinod Chate, learned APP for the State and Mr. Ashwin Shete, learned Advocate for the Intervener.

2. By the present application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking

bail in connection with C. R. No.332 of 2016, registered with Talegaon Dabhade Police Station for the offences punishable under Sections 302, 395, 120B, 143, 147, 148, 149 of the IPC, and Sections 3, 4, 25 and 27 of the Arms Act and Section 3[1][i], 3[2], 3[4] of the Maharashtra Control of Organised Crime Act, 1999.

3. The Applicant is Accused No.15. Applicant was arrested on 26.10.2016 and since then he is in judicial custody.

4. Learned Advocate for the Applicant states that the said crime is now registered as Special (MCOCA) Case No.10 of 2017. Bail Applications at Exhibit-526 and 560, was rejected on 01.04.2025 by the Special Judge (Under MCOC Act) and Additional Sessions Judge Pune.

5. Mr. Shailesh Chavan, learned Advocate for the Applicant states that there are 22 accused in the aforesaid crime. He states that 16 accused persons out of the 21 have been released on bail. He tenders order dated 16.05.2023 passed by the Hon'ble Supreme Court in the Case of Shankar @ Bunty Ramchandra Dabhade Vs. The State of Maharashtra¹, order of this Court dated 01.09.2023 in the case of Ajay Rajaram Hinge Vs. The State of Maharashtra², order dated 03.10.2023 in the case Sandip Sopan Pachpind Vs. The State of Maharashtra and Anr.³ and order dated 06.05.2025 in the case of Datta Dyaneshwar Waghole Vs. The State of Maharashtra⁴. All the said orders are taken on record and

1 SLP (CRL) No.4686 of 2023

2 Bail Application No.1738 of 2023

3 Bail Application No.1737 of 2023

4 Bail Application No.1988 of 2025

marked as “X” colly for identification.

6. Mr. Shailesh Chavan, specifically points out to the order dated 16.05.2023 passed by the Hon’ble Supreme Court in the case of Shankar @ Bunty Ramchandra Dabhade (supra) by which the Hon’ble Supreme Court has been pleased to grant bail to Shankar on the ground of long incarceration, in the said case being six and half years. Similarly, are the cases of the other Accused who have been released on bail, by this Court, again on the ground of long incarceration. Mr. Shailesh Chavan, submits that the present application is being pressed on the ground of long incarceration and on the right of the Applicant to have speedy trial.

7. Mr. Vinod Chate, learned APP for the State, does not dispute the fact that the Applicant is in jail since 26.10.2016. Learned APP also does not dispute that the orders tendered at the “X” colly pertain to the Accused in respect of the present crime.

8. I have perused the record and the orders marked as “X” colly with the able assistance of learned Advocates for the parties.

9. Considering the above fact that four accused in the present crime have been released on bail by the Hon’ble Supreme Court as well as this Court, on the ground of long incarceration, the Applicant herein would be justified in pressing his right to be enlarged on bail, as the Applicant cannot continue to be incarcerated, as an undertrial prisoner, indefinitely, in the present case eight years and nine months. There is no possibility of the trial concluding in the near future.

10. The present Bail Application of the Applicant is considered on the sole ground of long incarceration.

11. In view of the above, the present Bail Application is allowed, on the following conditions:

a) Applicant is directed to be released on bail in connection with C. R. No.332 of 2016, registered with Talegaon Dabhade Police Station, on his furnishing PR bond in the sum of Rs.1,00,000/- with one or two sureties in the like amount to the satisfaction of Additional Sessions Judge, Pune.

(b) Applicant shall attend / report before the Investigating Officer of Talegaon Dabhade Police Station once in a month on the first Monday of every month between 11.00 a.m. and 1.00 p.m.

(c) 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. The Applicant shall not tamper with evidence.

(d) Applicant shall regularly attend the trial of Special (MCOCA) Case No.10 of 2017, except for attending the trial, the Applicant shall not enter the Pune District, till the trial concludes.

(e) On being released on bail, Applicant shall furnish his contact number and residential address to the Trial Court

and the Investigating Officer of Talegaon Dabhade Police Station and shall keep them updated, in case there is any change.

(f) Applicant shall within three days from his release from jail, surrender his passport, if any, to the Investigating Officer of Talegaon Dabhade Police Station.

(g) If the applicant is found for threatening the witnesses or tampering with evidence, the same shall be viewed seriously which may invite the consequence of cancellation of this bail.

12. The Bail Application No.1993 of 2025 is disposed off.

13. In view of the disposal of the bail application, the Interim Application also stands disposed off.

(ASHWIN D. BHOBE. J.)