

Nikita

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

BAIL APPLICATION NO.2586 OF 2025

Suyash Raju Waghmare

... Applicant

V/s.

The State of Maharashtra

... Respondent

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Mr. Shailesh Chavan, a/w S. P. Sahane, a/w Mr. Sachin Pawar, a/w Mr. Hrishikesh Avhad for the Applicant.

Ms. M. H. Mhatre, APP for the State.

Mr. Kuldeep Vhatkar, API, Khadak Police Station Pune.

CORAM : ASHWIN D. BHOBE, J.

DATED : 7th JULY, 2025

P.C.:

1. Heard Mr. Shailesh Chavan, learned Advocate for the Applicant. Ms. M. H. Mhatre, learned APP for the State.

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.338 of 2018 registered with Khadak Police Station, Pune, for the offences punishable under Sections 364(a), 387 read 34 of the IPC, Section 4 and 25 of the Arms Act and Section 3(1) (ii), 3(2) of the Maharashtra Control of Organized Crime Act, 1999. Said crime is now registered as MCOCA Case No.09 of 2019 and is pending before the Special Judge (MCOCA), Pune.

3. Applicant is Accused No.4 in the said crime. Present Bail Application is filed by the Applicant seeking bail on the ground of long incarceration.
4. Mr. Shailesh Chavan, learned Advocate for the Applicant, states that the Applicant is in jail for continuous period of six years and eight months. He submits that the trial has commenced and the same is progressing at a very slow case. He submits that as on date, 15 witnesses have been examined out of 19 witnesses listed by the prosecution. He submits that Ferdeen Parvez Khan, Accused No.2 in the present crime has been released on bail by this Court on the ground of long incarceration (order is at page No.541 of the paper book).
5. Ms. M. H. Mhatre, learned APP for the State submits that the prosecution has examined 15 witnesses and propose to examine further 19 witnesses. She does not dispute that the Accused No.2 in the said crime has been released on bail on the ground of long incarceration.
6. I have perused the record with the able assistance of learned Advocates for the parties.
7. Records indicate that the trial in MCOCA Case No.09 of 2019 has commenced in the year 2022. Prosecution witnesses are being examined. As submitted by the Ms. Mhatre, 15 witnesses have been examined as on date and further 19 witnesses are to be examined. Trial of the proceedings bearing MCOCA Case No.09 of 2019 is progressing at a very slow pace.
8. Order dated 05.02.2025 passed in Bail Application No.109 of

2025 indicates the case of the Accused No.2 was also considered on the ground of long incarceration.

9. Considering the facts and circumstances, the Applicant being incarcerated for six years and eight months, the Applicant is justified in pressing his right of speedy trial. The Applicant cannot continue to be incarcerated as an under trial, indefinitely. It is on this ground of long incarceration that this Court is compelled to grant bail to the Applicant.

10. 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.338 of 2018 registered with Khadak Police Station, Pune on his furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of Special Judge (MCOCA) Pune.
- b) Applicant shall attend and regularly appear before the Special Judge (MCOCA) Pune, MCOCA Case No.09 of 2019 on each date of hearing, unless specifically exempted by the Court.
- c) 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 him from disclosing the facts to the Court or any police officer and shall not tamper with evidence.
- d) Applicant upon his release, within 3 days shall furnish

to the Investigation Officer, Khadak Police Station, Pune 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.

11. The Bail Application No.2586 of 2025 is allowed.

(ASHWIN D. BHOBE. J.)