

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2606 OF 2025

Ravindra Sadashiv Chorge. ...Applicant.
Versus
State of Maharashtra. ...Respondent.

**WITH
CRIMINAL BAIL APPLICATION NO. 2593 OF 2025**

Rajesh @ Pandit Kamal Agarwal. ...Applicant.
Versus
State of Maharashtra. ...Respondent.

Mr. Siddharth A. Mehta, Ms. Harshada Shrikhande, Mr. Vaibhav Kaushish, Mr. Omkar Khedekar i/b. Mr. Siddharth N. Sutaria, Advocate for the Applicant in BA/2606/2025.

Mr. Vishal V. Rankhambe, a/w. Ms. Aparna V. Rankhambe a/w. Mr. Chaitanya M. Bagul, Mr. Afsar Ansari, Advocate for the Applicant in BA/2593/2025.

Mr. T.G. Khan, APP for the Respondent-State.

Mr. Niranjan Mundargi a/w. Ms. Keral Mehta, Advocate for Intervenor.

API Pravin Kalakhe, ASI Dolas, Pune Crime Branch present.

CORAM: ASHWIN D. BHOBE, J

DATED: 21st AUGUST, 2025

PC:-

1. Heard Mr. Siddharth Mehta, learned Advocate for the Applicant in Bail Application No. 2606 of 2025, Mr. Vishal Rankhambe, learned Advocate

for the Applicant in Bail Application No. 2593 of 2025, Mr. Mundargi, learned Advocate for the Intervenor and Mr. Khan, learned APP for the State in both the bail applications.

2. Learned Advocates appearing for the respective parties submit that both the Bail Applications arise out of Crime No. 10 of 2018 registered with Deccan Police Station, Pune and as such they request that both the matters be disposed of by a common order.

3. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" for short), Applicants in both the Bail Applications are before this Court seeking regular bail in Crime No. 10 of 2018 registered with Deccan Police Station, District-Pune, for the offences punishable under Section 120B, 302, 307, 201 of the Indian Penal Code, 1860 ("IPC" for short), Section 37(1)(3) read with 135 of the Bombay Police Act, 1951, Section 3(25)(27) of the Indian Arms Act, 1959 and under Section 3(1)(i), 3(2), 3(3), 3(4) of the MCOCA, 1999.

4. Crime No. 10 of 2018 is registered as Special (MCOCA) Case No. 39 OF 2018 and is pending before the Court of the Judge, Special Court (MCOC Act), Pune.

5. Ravindra Sadashiv Chorge is Accused No. 1 whereas Rajesh @ Pandit Kamal Agarwal is Accused No. 8 in Special MCOCA Case No. 39 of 2018. Accused No. 1 was arrested on 21/01/2018 whereas Accused No. 8 was arrested on 19/06/2018. Since then Applicants are in jail.

6. Bail Application filed by the Accused No. 1 at Exh. 293 in Special MCOCA Case No. 39 of 2018 was rejected by the Special Judge (MCOCA), Pune on 27.05.2025.

7. Bail Application filed by the Accused No. 8 at Exh. 290 in Special MCOCA Case No. 39 of 2018 was rejected by the Special Judge (MCOCA), Pune on 27.05.2025.

8. Mr. Siddharth Mehta and Mr. Vishal Rankhambe, learned Advocates for Accused No. 1 and Accused No. 8, respectively submit that they are seeking bail on the sole ground of long incarceration. They submit that Accused No. 1 is in jail for 7 years and 7 months, whereas Accused No. 8 is in jail for 7 years and 2 months. They submit that though charge is framed in Special MCOCA Case No. 39 of 2018, however, till date not a single witness has been examined. They submit that the prosecution has listed 99 witnesses in the said crime. They rely on the order of this Court in the cases of *Vikas Chandrakant Patil v/s. The State of Maharashtra*¹ and *Niklesh Prakash Patil v/s. The State of Maharashtra*² in support of their contention for grant of bail on the grounds of long incarceration and denial of Applicants' right to speedy trial.

9. Mr. Mundargi, learned Advocate for the Intervenor in both the Bail Applications does not dispute the factual position i.e. Applicants being in jail for more than 7 years, charge being framed as on 19.06.2025 and no witnesses being examined in the crime. He however, submits that crime is a

¹Bail Application No. 1963 of 2025 decided on 9th May, 2025.

²Bail Application No. 1208 of 2025 decided on 8th May, 2025.

serious offence.

10. Mr. Khan, learned A.P.P. for the State/Respondent adopts the contention of Mr. Mundargi, learned Advocate for the Intervenor.

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

12. Pre-arrest detention of the Applicants being more than 7 years, apart from framing of the charge, there being no progress in Special MCOCA Case No. 39 of 2018, are facts not in dispute.

13. In the case of *Siddhant @ Sidharth Balu Taktode v/s. The State of Maharashtra and Another*³, the Hon'ble Supreme Court, in paragraph nos. 9, 10 & 15 to 17 has observed as under :-

"9. However, it is to be noted that this Court in the case of Manish Sisodia v. Directorate of Enforcement (2024 SCC OnLine SC 1920 : 2024 INSC 595), 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. 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 Enforcement (2024 SCC OnLine SC 2269 : 2024 INSC 632).

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."

14. In the case of *Rabi Prakash v/s. State of Odisha*⁴, the Hon'ble

³2024 SCC OnLine SC 3798

⁴2023 SCC OnLine SC 1109

Supreme Court in paragraph no. 4 has observed as under :-

“4. As regard to the twin conditions contained in Section 37 of the NDPS Act, learned counsel for the respondent – State has been duly heard. Thus, the 1st condition stands complied with. So far as the 2nd condition re: formation of opinion as to whether there are reasonable grounds to believe that the petitioner is not guilty, the same may not be formed at this stage when he has already spent more than three and a half years in custody. The prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory (5.) embargo created under Section 37(1)(b)(ii) of the NDPS Act. (emphasis supplied)”

15. It is trite law that prolonged incarceration pending conclusion of trial is clearly violative of right guaranteed under Article 21 of the Constitution of India, which has been construed to right of fair as well as speedy trial. Applicants are in jail since the year 2018. Charge was framed as late as 19.06.2025. Actual trial i.e. examination of witnesses has not commenced. Trial which would include examination of the prosecution witnesses, recording of the statement of Accused under Section 351 of the BNSS and defence evidence if any, would certainly prolong the trial. Applicants cannot continue to be incarcerated as an under-trial, indefinitely. In the facts and circumstances of the case Applicants would be justified in pressing their right of denial of speedy trial.

16. Mr. Mehta and Mr. Rankhambe, learned Advocates for the Applicants in both the Bail Applications on instructions from their respective Applicant submit that pending the conclusion of the trial of Special MCOCA Case No. 39 of 2018, the Applicants shall not enter the jurisdiction of District Pune except for attending hearing in Special MCOCA Case No. 39 of 2018. They further submit that the Accused No. 1 and Accused No. 8 shall not seek adjournment in Special MCOCA Case No. 39 of 2018. Statements accepted.

17. On the sole ground of prolonged incarceration of the Applicants, this

Court is compelled to enlarge the Applicants on bail. Hence, both the Bail Applications are allowed on the following conditions :-

- a. Applicants in both Applications are directed to be released on bail in connection with Crime No. 10 of 2018 registered with Deccan Police Station, District-Pune on executing P.R. Bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) each with one or two local sureties in the like amount to the satisfaction of the Special Judge(MCOCA), Pune.
- b. Applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade such person from disclosing such facts to the Court or to any police officer.
- c. Applicants shall not tamper with the prosecution witnesses and evidence in any manner.
- d. Applicants upon their release, within a period of three days from their release, shall furnish their cell phone numbers and residential addresses with proof to the Investigating Officer, Wakad Police Station, District-Pune and shall keep the same updated, in case of any change thereto.
- e. Applicants shall co-operate in the conduct of the trial of Special MCOCA Case No. 39 of 2018 and shall regularly attend the hearing of the case pending on the file of Special Judge(MCOCA), Pune, on each and every date, unless exempted from appearance.

f. Applicants shall report/attend before the Investigating Officer, Deccan Police Station, District-Pune on first and last Saturday of every month from 10.00 a.m. to 1.00 p.m. till further orders from the Trial Court in Special MCOCA Case No. 39 of 2018.

g. Applicants shall not enter the territorial jurisdiction of District-Pune, till conclusion of the trial of Special MCOCA Case No. 39 of 2018, except for attending the hearing of the said case and for the purpose of reporting before the Investigating Officer, Deccan Police Station, District-Pune on the dates fixed.

18. Mr. Siddharth Mehta, learned Advocate for the Accused No. 1/Applicant in BA/2606/2025 states that the Applicant had filed a Writ Petition No. 3114 of 2025 before this Court. He on instructions from the Applicant submits that Applicant being granted bail, the said Writ Petition will be withdrawn within 7 days from today.

19. Criminal Bail Application No. 2606 of 2025 and Bail Application No. 2593 of 2025 stand disposed of..

(ASHWIN D. BHOBE,J.)