

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2985 of 2025**

Sumesh Shahurao Savai	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Sachin Chandan, *with Shubham Shekokare & Irfan Sheikh, for the Applicant.*
Ms Megha S Bajoria, *APP for the State-Respondent.*
Mr Sambhaji Mane, *PSI attached to Kalyan Taluka Police Station, present.*

CORAM Dr. Neela Gokhale, J.
DATED: 15th October 2025

PC:-

1. The Applicant seeks his release on bail in connection with the Special (MCOCA) Case No.102 of 2022 in connection with FIR No.511 of 2021 registered with the Kalyan Taluka Police Station, Thane for the offences punishable under Sections 395, 397 of the Indian Penal Code, 1860 ('IPC' for short) and Sections 3 and 25 of the Arms Act, 1959 and

Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 ('MCOC Act').

2. The case of the prosecution, in brief, is that :-

2.1 There are in all 5 accused persons. The informant is the owner of the jewellery shop. On 25th September 2021 at about 12.50 hours, the accused persons entered the shop. It is alleged that the accused robbed the jewellery shop at gun point. At the time of the robbery, the co-accused were outside the shop to keep watch for police personnel. It is alleged against the present Applicant that he moved a tempo in front of the jewellery shop to screen the robbery that was being committed by the co-accused inside the shop. In this manner, the present Applicant assisted an organized crime syndicate in carrying out the said offence. The complaint was made, pursuant to which, the FIR was registered.

3. The Applicant made an application for bail before the Special Judge (MCOCA), Thane but by order dated 25th

August 2023, the application was rejected. Thereafter, the Applicant made a bail application before this Court, however, by order dated 15th July 2024, the said bail application was rejected, *albeit*, the Applicant was given liberty to re-apply for bail if there was no progress in the trial after a period of one year from that date. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Sachin Chandan, learned counsel appearing for the Applicant, at the outset, pointed to the first bail order dated 15th July 2024 passed by this Court whereby the Applicant was granted liberty to re-apply for bail if there was no progress in the trial for a period of 1 year from the date of that order. He submits that only after one year of passing of the aforesaid order, charges came to be framed in the said criminal case on 19th July 2025. He submits that the main accused is absconding and it is unlikely that the trial in the case would complete in the foreseeable future. He further submits that the role attributed to the present Applicant is

only that he parked the tempo in front of the jewellery shop to screen the robbery that was taking place inside the shop by the co-accused. Thus, he submits that on these grounds and more particularly, on the ground of long incarceration, the Applicant be enlarged on bail.

5. Ms. Megha Bajoria, learned APP representing the State, submits that the offence is serious; the provisions of the MCOC Act have been invoked; proper approvals and sanctions have been granted by the Competent Authorities. She further submits that the Applicant has 4 antecedents; one of them being under Section 302 of the IPC committed along with the gang leader. She further points to the contents of the FIR, which clearly reveal that an amount of Rs.10,000 /- was credited to his mother's account, which are proceeds of the crime. She thus, submits that he has gained pecuniary benefits from the said offence. She strenuously resists grant of bail to the present Applicant.

6. I have heard learned counsel for both the parties and perused the record with their assistance.

7. Admittedly, by order dated 15th July 2024, the Applicant was permitted to re-apply for bail if there was no progress in the trial for one year from that date. Admittedly, as on date, only the charges are framed and that too after a period of one year from the date of previous order. The main accused, i.e., the gang leader is still absconding. A plain reading of the FIR also reveals that the role of the present Applicant is limited to screening the commission of the offence by the co-accused. No doubt that he appears to have received Rs.10,000/- as pecuniary benefit from the said offence, however, considering the long incarceration of the Applicant, being arrested on 13th October 2021 and till date, no witnesses being examined in the Trial Court, I am inclined to enlarge the Applicant on bail on the following conditions:

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;

ii) The Applicant shall attend the Police Station concerned once in a month on the first Saturday of the month between 11:00 a.m. to 02:00 p.m;

iii) The Applicant shall not enter the jurisdiction of the Kalyan Taluka Police Station till the conclusion of the trial, save and except to attend the Trial Court and mark his attendance in the Police Station concerned;

iv) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

v) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;

vi) The Applicant shall not leave India, without the permission of the Trial Court;

vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) The Applicant shall inform his latest place of residence and mobile number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

ix) The Applicant to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)

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