

Nikita

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

BAIL APPLICATION NO.3052 OF 2025

Akshay @ Bali Dhananjay Surwase ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Priyal Sarda a/w Mr. Abhishek Jare a/w Ms. Seema Dige a/w Shubham Sane a/w Rajesh Ranglani for the Applicant.

Ms. Veera Shinde, APP for the State.

CORAM : ASHWIN D. BHOBE, J.

DATED : 23rd JULY, 2025

P.C.:

1. Heard Mr. Priyal Sarda, learned Advocate for the Applicant and Ms. Veera Shinde, learned APP for the State.
2. Applicant by the present application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is seeking bail in connection with C. R. No. 244 of 2018 registered with Pandharpur City Police Station, Solapur, for the offences punishable under Sections 302, 303, 120(B), 201, 143, 147, 148, and 149 of the Indian Penal Code, Section 3, 4 5, 25, and 27 of the Indian Arms Act, Section 135 of the Maharashtra Police Act and Sectors 3(1)(i), 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crimes Act, 1999. Said crime is registered as Special Case No.1 of

2020 and is pending on the file of the learned Special Judge (MCOCA) Pandharpur.

3. There are 27 Accused in the present crime. Applicant is Accused No.1 in the said crime.

4. Applicant was arrested on 25.03.2018, since then he is in jail. Bail application filed by the Applicant at Exhibit-543 was rejected by the learned Special Judge (MCOCA), Pandharpur by order dated 29.03.2024.

5. Mr. Priyal Sarda, learned Advocate for the Applicant submits that the Applicant is seeking bail on two grounds: firstly, on the ground of long incarceration of the Applicant which is almost 7 years and 4 months from the date of his arrest; and secondly, on the ground of parity. He tenders the order dated 13.06.2025 passed by this Court in Bail Application No.4399 of 2024 in Case of Sandip Aadhatrao (Accused No.6) and order dated 23.07.2025 passed by this Court in Bail Application No.5008 of 2024. Same are taken on record and marked as "X" Colly for identification. He submits that till date charge is not framed in Sessions Case No.1 of 2020.

6. Ms. Veera Shinde, learned APP for the State, on instructions from the Investigation Officer states that the charge in Sessions Case No.1 of 2020 is not framed.

7. In view of the above said fact, viz. charge not being framed in Sessions Case No.1 of 2020, till date, Applicant who is in jail from 29.03.2024, is justified in pressing his right of bail on the ground of denial of speedy trial, as he cannot continue to be

incarcerated as an under trial prisoner, indefinitely.

8. This Court while considering the bail of Accused No.6 and 11 in the present crime, upon taking note of the long incarceration of the Accused No.6 (paragraph No.5 of the order dated 13.06.2025) and Accused No.11 (paragraph No.7 of the order dated 23.07.2025), released Accused No.6 and Accused No.11 on bail.

9. In view of the above facts and considering the decision of Hon'ble Supreme Court in the case of Siddhant @ Siddhant Balu Taktode Vs. The State of Maharashtra and Anr.¹, the request of the Applicant is entertained.

10. Mr. Priyal Sarada, learned Advocate for the Applicant submits that if indulgence is shown to the Applicant, Applicant has instructed him to make a statement that the Applicant shall not enter into the territorial limits of Pune and Solapur districts, till the conclusion of trial of Sessions Case No.1 of 2020. Statement accepted.

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. 244 of 2018 registered with Pandharpur City Police Station, Solapur 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) Pandharpur.

¹ SLP (Cri) No.12939 of 2024

- b) Applicant shall attend and regularly appear before the Special Judge (MCOCA) Pandharpur in Special Case No.1 of 2020 on each date of hearing, unless specifically exempted by the Court.
- c) Applicant shall report to the Investigation Officer, Pandharpur City Police Station, Solapur on the first Saturday of every month from 10.00 am to 12.00 noon.
- d) 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.
- e) Applicant upon his release, within 3 days shall furnish to the Investigation Officer, Pandharpur City Police Station, Solapur 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.
- f) Applicant shall not enter the territorial jurisdiction of Pune and Solapur districts, till its conclusion in Sessions Case No.1 of 2020, except to attend the dates before the Trial Court and for reporting to the Investigation Officer on the first Saturday of every month.

12. The Bail Application No.3052 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE. J.)