

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

Bail Application No. 3550 of 2025

Suraj Ashok Dhokale

Age : 27 years, Occ. Labour,

R/at : Sutardara, Kothrud, Pune.

At present in Pune Jail.

... Applicant

versus

The State of Maharashtra

Through Paud Police Station, Pune

Vide C.R. No. 239 of 2019

...Respondent

Mr Kuldeep Nikam, for the Applicant.

Mr S V Walve, APP, for Respondent / State.

Coram: R.N. Laddha, J.

Date: 29 September 2025

P.C.:

. Heard Mr Kuldeep Nikam, learned Counsel appearing on behalf of the applicant, and Mr S V Walve, learned Additional Public Prosecutor representing the respondent/ State.

2. By this application, the applicant seeks bail in connection with CR No.239 of 2019, registered at Paud Police Station, Pune, for offences punishable under Sections 302, 364, 201 and 34 of the Indian Penal Code and under Section 3(1)(ii), 3(4) of the Maharashtra Control of Organised Crime Act, 1999

(MCOC Act).

3. It is the case of the prosecution that on or about 15 May 2019, the dead body of an unidentified male person was discovered in an agricultural field belonging to one Vasant Hulawale. The said body bore multiple injuries on the facial and cervical regions, which, upon preliminary forensic examination, appeared to have been inflicted by a sharp-edged weapon, suggestive of homicidal violence.

4. Upon initiation of investigation, the deceased was subsequently identified as one Mayur Bhagwat, a resident of Erandwana Gavthan, Karve Road, Pune, whose sudden disappearance had been noted by his family. The identification was made by his wife, Smt. Jyoti Bhagwat, who confirmed the identity of the deceased at the mortuary of Sasoon Hospital, Pune.

5. During the course of inquiry, Smt. Jyoti Bhagwat disclosed to the investigating authorities that the deceased had borrowed a sum of ₹20,000/- from one Vishal Desai, who is alleged to be engaged in unlicensed and unlawful money lending activities. It is further alleged that in January 2019, the said Vishal Desai, accompanied by co-accused Pappu @ Yogesh Dabhade and the

present applicant, visited the residence of the deceased and issued threats of dire consequences, including threats to life, in the event of non-repayment of the said loan along with accrued interest. In an attempt to defuse the situation, Smt. Jyoti Bhagwat paid ₹5,000/- to the accused persons. On the following day, the deceased's brothers—Rajesh and Kiran—assured the accused that the outstanding amount would be repaid shortly. Subsequently, on 12 May 2019 at approximately 8:45 p.m., the present applicant and co-accused Vishal Desai arrived at the residence of the deceased in a motor vehicle and took him away under the pretext of resolving the financial dispute. The deceased failed to return home thereafter. On 15 May 2019, while Smt. Jyoti Bhagwat and her brothers-in-law were enroute to the police station to lodge a missing person report, they were directed by a police official to proceed to Sasoon Hospital, where an unidentified body had been brought. Upon inspection, Smt. Jyoti Bhagwat identified the body as that of her husband, Mayur Bhagwat.

6. Based on the foregoing facts and circumstances, it is the prosecution's allegation that the present applicant, in conspiracy with the co-accused, abducted and subsequently murdered the deceased as a retaliatory act for non-repayment of the loan amount.

7. The learned Counsel for the applicant submits that the applicant has been falsely implicated in the present crime and that the prosecution case rests solely upon circumstantial evidence, devoid of any direct or ocular testimony linking the applicant to the alleged offence. It is further submitted that the applicant has been incarcerated as an under trial prisoner for an inordinately prolonged duration exceeding six years and four months, during which period the trial has remained stagnant. Save for the formal framing of the charge, effected nearly one year ago, no substantive progress has been made towards the commencement of the trial. The learned Counsel asserts that such prolonged and unexplained delay in conducting the trial amounts to a flagrant violation of the applicant's fundamental right to a speedy trial. The delay in trial proceedings is neither attributable to the applicant nor occasioned by any exceptional or supervening circumstances. In support of his contention, the learned Counsel relied on the judgment of the Hon'ble Supreme Court in *Siddhant @ Sidharth Balu Taktode Vs. The State of Maharashtra and Anr.*¹

8. On the other hand, the learned Additional Public Prosecutor representing the respondent/State, has vehemently opposed the prayer for bail. It is submitted that the offence

¹ In Criminal Appeal No. of 2024 (arising out of SLP(Crl.) No. 12939 of 2024) dated 18 December 2024.

alleged against the applicant is of a grave and serious nature. The learned APP contends that, considering the seriousness of imputations, the severity of the prescribed punishment and the larger ramifications which may ensue if the applicant is enlarged on bail at this stage, the applicant is not entitled to the bail. It is further contended that the appropriate course, in the facts and circumstances of the case, would be not to extend the benefit of bail, but instead to direct that the trial be taken up on priority and concluded within an expeditious timeframe, so as to balance the rights of the applicant/accused and the prosecution.

9. In *Siddhant @ Sidharth Balu Taktode Vs. The State of Maharashtra and Anr.*, in paragraph Nos.10 and 11, it was observed as follows:

“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.

11. We are, therefore, inclined to allow the appeal. The order passed by the Special Court dated 02.02.2024 and the impugned order of the learned Single Judge dated 29.07.2024 are quashed and set aside.”

10. Upon perusal of the case record, it is evident that the applicant has remained in custody for a period exceeding six years and four months in connection with the present offence. The learned APP has submitted that the prosecution proposes to examine as many as twenty witnesses during the course of the trial. However, it is seen with concern that, to date, even the framing of charges has not been undertaken. In view of the foregoing circumstances, particularly, the protracted duration of custody and the stagnation in trial proceedings, this Court is of the opinion that the applicant is entitled to be released on bail, subject to the imposition of suitable conditions to secure his presence during the trial. Hence, the following order :

ORDER

(i) The applicant shall be released on bail in

connection with CR No.239 of 2019, registered at Paud Police Station, Pune, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall not tamper with the prosecution evidence or attempt to influence any witnesses in any manner.

(iii) The applicant shall attend the trial proceedings regularly and punctually, unless exempted by the Court for valid reasons.

(iv) The applicant shall furnish his residential address and contact details to the investigating officer and shall inform the Court of any change therein.

(v) Any breach of the above conditions shall entail cancellation of bail.

11. The application stands disposed of accordingly.

(R.N. Laddha, J.)