



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 2260 OF 2025

GAUTAM MADHUKAR SONUNE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Sopan P. Bhadge
APP for Respondent : Ms. R. R. Tandale
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 02-02-2026

PER COURT:-

1. The applicant seeks bail in connection with Crime No.248 of 2019 dated 08.10.2019 registered with Badnapur Police Station, District Jalna, for the offences punishable under Sections 302, 307 and 120B of the Indian Penal Code, Sections 3 and 25 of the Arms Act, 1959 and Sections 3(1)(i)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999. In the said crime, the applicant was arrested on 13.10.2019. After completion of the investigation, the chargesheet has been filed.

2. Present application is a successive application, the previous applications presented by the applicant bearing Bail Applications No. 615 of 2020, 1395 of 2021, 1716 of 2021, 1286 of 2022 and 1814 of 2023, were dismissed by the orders of this Court, dated 09.09.2020, 01.04.2022, 12.01.2022, 21.12.2022 and 12.12.2022, respectively.

3. The prosecution case is that that the deceased, Sanjay Ambhore, and Accused No. 2 (Sumersingh) were long-standing labor contractors in the MIDC area. Following a professional dispute, Sanjay withdrew his labor supply from Sumersingh and redirected it to partner Raju Ghusinge. This shift, alongside a separate business rivalry with Accused No. 3 (Uttam Ghunawat) over the M/s Gajkeshari contract, led Accused Nos. 2 and 3 to monitor Sanjay's movements. The conflict escalated into a prior violent assault on Sanjay by Accused Nos. 1, 2, 3, 6, and 7, resulting in a fractured leg and the registration of C.R. No. 135/2017. Furthermore, approximately 1 ½ months before the incident in issue, Uttam Ghunawat allegedly assaulted Sanjay's associate, Vijay Sundarde, leading to additional charges under N.C. No. 572/2017.

4. The prosecution further alleges that accused No. 2 orchestrated a conspiracy with accused Nos. 1 and 3 to 7, incentivizing accused Nos. 5 and 7 with money and valuables to murder Sanjay. While accused Nos. 1 to 3 issued death threats and Accused No. 6 provided a pistol, Accused No. 4 tracked Sanjay's location. On 07.10.2019, at 19.40 hours near Swaraj Pan Shop in Selgaon, accused No. 7 shot and killed Sanjay and fired upon witnesses. Following a thorough investigation and the receipt of necessary sanctions, a charge-sheet was filed against the accused for these crimes.

5. Learned counsel for the applicant submits that the trial is progressing slowly. The applicant, a long-term laborer with no criminal antecedents, was not named in the FIR and has been implicated solely through co-accused confessional statements, which counsel argues are inadmissible due to non-compliance with Rule 3(6) of the MCOC Rules. While the prosecution alleges the applicant tracked the deceased's movements, no CDR or SDR evidence has been produced to support this. Furthermore, PW-2 did not attribute any incriminating role to the applicant in court, and witness Pratik failed to support the prosecution's case. These developments, along with the applicant's prior compliance during temporary bail and his family responsibilities, constitute a material change in circumstances.

6. The applicant further seeks parity with co-accused Sunil s/o Premdas Vanarase, who was granted bail by this Court in BA/1610/2021 dated 25.02.2022. It is contended that the applicant has no nexus with the organized crime syndicate or its leader, Accused No. 5, and no incriminating articles were seized from him. Since the evidence of PW-2 failed to confirm that the applicant provided tips regarding the deceased's location, counsel argues that no substantive offense under the IPC or MCOCA is made out. As a permanent resident of Shelgaon willing to adhere to all conditions, the applicant prays for enlargement on bail.

7. Learned A.P.P. has strongly opposed the application emphasizing the gravity of the offenses and the necessity of ensuring public safety. It is contended that the deceased was eliminated for financial gain arising from labor contract disputes, supported by eyewitness accounts and evidence of an organized crime syndicate. The prosecution maintains that the procedural requirements of Section 18 and Rule 3(6) of the MCOCA were duly satisfied and argues that the applicant poses a significant flight risk if released. Consequently, the prosecution prayed for the rejection of the bail application.

8. Having heard the respective counsel from both the sides and upon perusal of the material on record, including the charge sheet indicates it is evident that although the applicant (Accused No. 4) has no prior criminal antecedents, the confessional statements recorded under Section 18 of the MCOC Act *prima facie* establish involvement in the conspiracy and his role in the organized crime syndicate's business. Considering that the provisions of the MCOC Act have been properly invoked, the stringent bar under Section 21(4) applies. The material on record indicates a clear nexus between the applicant and the present offense, rendering the exercise of discretionary bail inexpedient.

9. The Honourable Apex Court, in the case of **Kalyan Chandra Sarkar and Ors. Vs. Rajesh Ranjan and Ors. [(2004)7 SCC**

528], while laying down the guidelines for grant or refusal of bail in serious offences like murder, has observed as under :

“11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.

(b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

(c) Prima facie satisfaction of the court in support of the charge. (See Ram Govind Upadhyay v. Sudarshan Singh and Puran v. Rambilas.)

10. Similarly, the Honourable Apex Court, in the case of **Pralhad Singh Bhati vs. NCT, Delhi [(2001)4 SCC 280]**, held that on satisfaction of prima facie evidence establishing the guilt of the accused, the bail can be denied.

11. The Honourable Apex Court, in the case of **Ram Govind Upadhyay vs. Sudarshan Singh [(2002)3 SCC 598]**, has held that a judicial discretion in granting bail must not be exercised whimsically, especially in heinous offences.

12. Equally, the Hon'ble Apex Court, in the case of ***State of UP through CBI Vs. Amaramani Tripathi [(2005)8 SCC 21]***, has held that the Court must evaluate the *prima facie* evidence showing the applicant's involvement. If such evidence is credible and supports the accusations, bail may be refused.

13. The Honourable Apex Court, in the case of ***Prasanta Kumar Sarkar Vs. Ashis Chatterjee [(2010) 14 SCC 496]***, has held that the mechanical grant of bail reflects non-application of mind, and outlined eight crucial factors to be considered, including reasonable ground for belief in guilt, nature of evidence and possibility of justice being thwarted.

14. The applicant has repeatedly sought relief through previous Bail Applications No. 615/2020, 1395/2021, 1716/2021, 1286/2022 and 1814/2023, all of which are dismissed by this Court between 09.09.2020 and 12.12.2022. There is no material change in circumstances to warrant a contrary view. Moreover, the practice of filing successive bail applications while the trial is being conducted on a timely basis, such tactics only serve to protract the proceedings deserves to be deprecated.

15. Although, the applicant has been in custody since October 2019, the gravity of the organized crime and the *prima facie* evidence of his involvement outweigh the grounds for release. The

parties are directed to cooperate in the expeditious conduct of the trial rather than filing intervening applications that hinder its progress.

16. In light of the aforesaid facts and precedents, the statutory embargo under the MCOC Act, and the repeated dismissal of previous applications on similar grounds, this Court finds no merit in the present application. Considering the repetitive filing of application by this applicant, this is a case where costs deserve to be mulcted; however, in light of the applicant's status as a labourer, I am persuaded to refrain from imposing cost.

17. Accordingly, the bail application is rejected.

18. Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH]
JUDGE

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