

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3591 OF 2025**

Sunil Ashok KondugleApplicant

Vs.

The State of MaharashtraRespondent

Mr. Gaurav Kalekar with Abhay Jadhavar, for the Applicant.

Mr. Nitin B. Patil, APP, for the Respondent-State.

Mr. Vikrant Gaikwad, IO, Dy.S.P with Mr. Chavan, HC/1217, Shivajinagar Police Station, Ichalkaranji is present.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 6th FEBRUARY 2026

PC.:-

1. The Applicant is arrested in Crime Registration No.577 of 2021 registered with Shivajinagar Police Station, Ichalkaranji for the offences punishable under Sections 306, 386, 395, 504, 506 of the Indian Penal Code and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (**'MCOCA'**).

2. It is alleged that one Aditya Balwant Mahadwar has committed suicide by leaving behind a suicide note that because of the torture by the Applicant's gang-the German Gang, he has committed suicide. They used to extract money from the deceased. They asked the

parents of deceased to give Rs.1,00,000/-. He has given Rs.25,000/- to said gang, but they used to torture him for more amount and therefore, he has committed suicide. The mother of the deceased lodged the complaint. The deceased has written suicidal note and has mentioned name of this Applicant.

3. The counsel for the Applicant has stated that on 10th November 2021 the Applicant is arrested in this crime. He had filed his first bail application before the Hon'ble Apex Court. In 2024, the Apex Court has rejected the bail application filed by this Applicant on merits. Thereafter, the Applicant has filed the bail application before the Sessions Court, on the ground of long incarceration and as there was no progress in trial, which was rejected. The Applicant is coming before this Court on the same ground that since last four years, the Applicant is in jail and there is no progress in trial.

4. The counsel for the Applicant relied on the Judgment of Hon'ble Apex Court in the case of *Tas Kumar Palit v. State of Chhattisgarh*¹ in support of his argument that it is the fundamental right of the Applicant and he cannot be kept in jail without

1 Criminal Appeal NO.738 of 2025 dtd. 14th February 2025.

conviction. He has also relied on the judgment of the Honb'el Apex Court in the case of *Javed Gulam Nabi Shaikh v. State of Maharashtra & Anr.*² This Court (Coram : Shivkumar Dige, J.) vide order dated 3rd Novebmer 2025 in Criminal Bail Appliation No.3407 of 2025 has also granted the bail to one of the accused namely Tejas Satgonda Kamble, who is having similar role. Therefore, he has prayed for parity.

5. The learned APP opposed the application stating that Serious allegations are there and offences under MCOCA are registered against this Applicant. The Hon'ble Apex Court has rejected the bail. Hence, considering his role and as he is habitual offender and crime is registered against him alongwith other members of gang, prayed to reject the application.

6. Heard learned counsel appearing for both the parties.

7. The main ground for filing of this application is long incarceration in jail. It appears that since 2021, the Applicant is in jail. On perusal of status report called by this Court from trial Court it appears that the trial Court is not serious about the trial and

2 Criminal Appeal No.2787 of 2024 dtd. 3rd July 2024.

learned APP in said Court is casually attending the trial. Though the charges are framed in the year 2025 and while rejecting the bail this Court has expedited the trial, no steps are taken since 12th February 2025. Not a single witness is examined by the prosecution. The prosecution has not taken any steps to bring the witness though the trial is expedited. The delay in trial is caused due to non-cooperation of the learned APP. Though the Apex Court has rejected the bail application in the year 2024 and there is long incarceration of the Applicant, there is no any progress in trial. The co-accused is already released on bail by this Court. The ground of parity is also available to the Applicant. Hence, the Application is allowed on the following terms and conditions:

- i) The applicant, namely, Sunil Ashok Kondugle shall be released on bail on furnishing personal bond of Rs.50,000/- with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the investigating officer;
- ii) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

- iii) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- iv) The applicant shall not enter within the jurisdiction of Ichalkaranji Police Station, except to attend the trial;
- v) The applicant shall maintain law and order;
- vi) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;
- vii) The applicant shall surrender his passport, if any, before the investigating officer within a week and, if he does not possess any passport, he shall file an affidavit to that effect before the investigating officer;
- viii) The applicant shall regularly remain present during the trial, and cooperate with the learned trial Court to complete the trial for the above offences.

(MRS. VRUSHALI V. JOSHI, J.)

Digitally
signed by
RAJU
DATTATRAYA
GAIKWAD
Date:
2026.02.09
19:28:45
+0530