

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3600 OF 2025

Sunny Alias Sonya Dhanaji Bhandalkar

VERSUS

The State of Maharashtra

WITH

CRIMINAL BAIL APPLICATION NO. 3559 OF 2025

Prathmesh Alias Sonu Hanmant Madane

VERSUS

The State of Maharashtra

...

Mr. Rahul K. Dhaygude a/w Ms. Sujata B. Lohar, Advocate for the Applicant in BA/3600/2025.

Mr. Ramanik Pawar (Through V.C.) a/w Mr. Amit Waykool, Mr. Abhishek Shah, Ms. Prajakta Bhilugade i/by Mr. S. V. Mahamulkar, Advocate for applicant in BA/3559/2025.

Dr. A. A. Takalkar, APP for the Respondent-State.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 20th APRIL, 2026.

P. C.

1. The applicants seek regular bail in connection with C.R. No. 41 of 2021 dated 01.03.2021 registered with Shirval Police Station, District Satara for the offences punishable under Section 395 of the Indian Penal Code and Section 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

2. Learned Counsel for the applicants submits that the applicants have been falsely implicated in the case. The charge-sheet is filed. The applicants are in custody since their arrest on 02.04.2021 i.e. for more than five years. The trial is likely to take time, as such further detention of the applicants is not required. Hence, prayed to allow the application.

3. Per contra, learned APP opposed the application submitting that the offence is serious in nature and the provisions of the MCOC are attracted against the applicants. There are also pending criminal antecedents against the applicants. Further An apprehension is also expressed that if the applicants is enlarged on bail, there is every possibility of tampering prosecution witnesses. Hence, prayed to reject the application.

4. Having heard the submissions from both the sides and upon perusal of the record including charge-sheet indicates that that the applicants are in custody for the last more than five years.

5. Pursuant to the order dated 22.07.2024 in Criminal Bail Application No.3824 of 2023, the applicant therein was granted liberty to move a fresh bail application in the event of no progress in trial within a period of one year.

6. This Court vide order dated 16.03.2026 had called upon the status report in order to ascertain the progress in trial in connection with the present applications from the trial Court. Accordingly the report is submitted before this Court wherein it is indicated that on 19.08.2022, the charge was framed against all the accused. Consequently, examination of certain witnesses is conducted. However, from the past few months the proceedings are delayed. Further delay is attributed to administrative change. As such, there is considerable delay in trial, particularly factors which cannot be attributed to the accused.

7. The right to speedy trial enshrined under Article 21 of the Constitution of India is not eclipsed by the nature of offence. The prolonged incarceration of under trial, without commencement or reasonable progress of trial, cannot be countenanced as it has the effect of converting pre trial detention into form of punishment. Thus, keeping in view the verdict of the Honourable Apex Court in the *Javed Gulam Nabi Shaikh vs State of Maharashtra and others*¹, and indefinite incarceration of the applicants would be unjustified.

8. As far as the issue of criminal antecedents is concerned, the applicant – Sunny is acquitted in one of the offences against him,

¹ MANU/SC/0609/2024,

while the others are pending trial. Given the principle of presumption of innocence, in absence of any conviction, the pending offences cannot be in isolation construed as any hindrance for bail.

9. The prosecution has opposed the bail primarily on the ground of antecedents of the accused. However, as held by the Hon'ble Apex Court in **Maulana Mohd. Amir Rashadi vs State Of U.P.& Anr.**² and ***Prabhakar Tewari Vs. State of U.P. and another***³, mere criminal antecedents cannot be sole ground to reject bail and the Court is required to consider overall circumstances.

10. Apart from the aforesaid aspects, having regard to the number witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. In this view of the matter, further incarceration of the applicants would be unjustified.

11. As far as the apprehension expressed by the learned A.P.P. in relation to tampering prosecution witnesses is concerned, the same can be adequately taken care of by imposing stringent conditions. I

² 2012 (2) SCC 382

³ [(2020) 11 SCC 648]

am, therefore, persuaded to exercise the discretion in favour of the applicants.

12. Hence, the order :-

ORDER

I. The bail application is allowed.

II. Applicants - Sunny Alias Sonya Dhanaji Bhandalkar and Prathmesh Alias Sonu Hanmant Madane be released on bail, on furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) each with one or two local solvent sureties, in the like amount, in connection with C.R. No. 41 of 2021 dated 01.03.2021 registered with Shirval Police Station, District Satara for the offences punishable under Section 395 of the Indian Penal Code and Section 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999, on the following conditions :-

(a) The applicants shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

(b) The applicants shall not enter the jurisdiction of District Satara till conclusion of trial except attending the dates before the concerned Court.

(c) The applicants shall attend the trial on each and every date unless exempted by the trial Court.

(d) The applicants shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address, where they are likely to reside as well as their own phone numbers and that of their two near relatives.

(e) In case of breach of any of the conditions by the applicants, it is open for the Prosecution to approach the concerned Court seeking cancellation of bail, notwithstanding the fact that this Court has granted bail.

III. 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, J.]