

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4140 OF 2024

Vinay Kumar Singh

...Applicant

Versus

The State Of Maharashtra and Anr

...Respondents

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**Ms. Kajal Upadhyay a/w Suraj Dubey i/by S.T. Pandey, for
Applicant.**

Ms. Veera Shinde, APP for Respondent – State.

PSI Akhtar Shaikh, Naygaon Police Station.

CORAM : R.M. JOSHI, J.

Date : 17th March, 2026

PC :

1. This is second bail application in connection with crime No. 14 of 2021 for the offences punishable under Sections 395, 201, 412, 120(B) of the Indian Penal Code, 1860, Section 3 and 35 of the Arms Act, 1959 and u/s 3(1)(ii), 3(2) and 3(4) of Maharashtra Control of Organised Crime Act, 1999.

2. It is the case of the prosecution that dacoity was committed in the shop of S. Kumar Gold and Diamond, Mira Road, East, Thane on 7th January, 2021, four unknown persons entered in the said shop under the guise of customers and threatened the occupants with pistol and took

away gold ornaments worth Rs. 98,50,000/-. Investigation was carried out which culminated in filing of charge sheet as evidence could be found against the applicant and co-accused.

3. The first bail application filed by the applicant being Bail Application No. 1423 of 2022 came to be rejected by this Court by order dated 6th April, 2023. Learned Counsel for the applicant submits that this Court had granted liberty to the applicant to apply for bail again, if the trial does not start within a period of two years. It is her submission that inspite of the said order, till date examination of only one witness is completed and the second witness, i.e., panch witness is being examined before the trial court. It is her further submission that owing to the fact that there are over ninety witnesses, the trial is not likely to get over within a reasonable time and, therefore, the applicant is entitled to be enlarged on bail.

4. Learned APP opposed the application on the ground that offence is serious in nature and there are about 5 to 6 eye-witnesses to be examined. She apprehends having regard to the fact that there are several antecedents against the applicant, in case he is released on bail,

he will pressurize the witnesses which would cause interference in the evidence of the prosecution. Learned APP also pointed out that the order passed by this court rejecting the bail application is not interfered with by the Supreme Court.

5. There cannot be any straight-jacket formula that after a lapse of a particular period, bail application must be allowed ignoring the facts and circumstances of the case. In this case, this Court rejected the earlier bail application of the applicant after considering merits of the case. A liberty was granted to move an application for bail if trial does not commence within a period of two years from the date of order. Apart from the fact that trial has already commenced, the question is as to whether at this stage, the applicant, who has chequered criminal history behind him, should be enlarged on bail when 5 to 6 eye-witnesses are yet to be examined. The answer to this question would be in candid 'negative'.

6. Learned APP, on instructions from the officer present in the Court, makes a statement that the prosecution would first examine at least 5 to 6 eye-witnesses, and this would be concluded within a period

of nine months from today.

7. Having regard to the facts of the case, and more particularly, when this Court finds substance in the apprehension of the prosecution that if enlarged on bail, the applicant would pressurize the witnesses, it would not be appropriate to grant bail at this stage unless examination of the eyewitnesses before the trial Court is over. Hence, the application stands *dismissed*.

[R.M. JOSHI, J.]