Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4967 OF 2024

Nanasaheb Shankarrao Gaikwad ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Sudeep Pasbola along with Mr. Sandeep S. Salunkhe, Mr. Shubham M. Payduge, Mr. Chinmay Godse and Mr. Hrushikesh Gaikwad, Advocate for the Applicant.
Mr. Prashant P. Jadhav, APP for Respondent No.1-State.
Mr. Siddharth Jagushte, Advocate for the Intervenor-Respondent No.2.
Mr. N. B. Chapale, Sangvi Police Station, Pimpri-Chinchwad, present.

CORAM : SHIVKUMAR DIGE, J.
DATE : 23rd JANUARY, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 338 of 2021 registered with Sangvi Police Station, District Pune (subsequently numbered as Spl.MCOCA Case No.551 of 2022), for the offences punishable under Sections 395 and 201 of the Indian Penal Code 1860, Sections 3(25) of the Indian Arms Act and Section 39 of the Maharashtra Money-Lending (Regulation) Act 2014.

2. It is prosecution's case that in October-2019, the applicant forcibly took the first informant in his vehicle to his NSG farmhouse at Sus, Pun .and assaulted him with fists and kick blows as he was not paying the

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amount demanded by the applicant. It is alleged that thereafter the applicant fired three rounds from his pistol in the air to threaten the first informant. It is alleged that thereafter the applicant called co-accused and assaulted the first informant with the intention to kill him and forcibly took away all the articles lying in the garage of the first informant.

3. It is contention of learned counsel for the applicant that there is a two-year delay in lodging the complaint. The applicant is behind bars for more than four years. There is no progress in the trial. The applicant is 73 years old and confined to wheelchair. It may take time to conclude the trial and requested to allow the application.

4. Learned APP along with learned counsel for respondent No. 2 submitted that the applicant is a habitual offender. He has many antecedents. He kidnapped the first informant in his car with the intention to kill him. The applicant forcibly took away equipment kept in the garage of the first informant. If the applicant is released on bail, he may threaten the first informant and prosecution witnesses.

5. I have heard all learned counsel, perused the charge sheet, and documents produced on record. The applicant is behind bars for more than four years. There is no progress in the trial. The applicant is 73 years old and confined to wheelchair. There is a delay of two years in lodging the FIR. Considering these facts, I pass the following order.

Shubhada S Kadam

ORDER

(i) The applicant be enlarged on bail in Crime No. 338 of 2021 registered with Sangvi Police Station, District Pune (subsequently numbered as Spl.MCOCA Case No.551 of 2022), on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The applicant shall attend the concerned police station as and when required.

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

The application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)