

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.2149 OF 2025

Pappu @ Umesh Sudhir More : Applicant.
Versus.
The State of Maharashtra : Respondent.

Mr. Kuldeep Nikam (Through V.C.) a/w Mr. Om N. Latpate for the Applicant.

Mr. Amit A Palkar, APP for the Respondent/State.

API S R Bhuyankar, Sant Tukaram Nagar Police Station present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 10 JUNE 2026

PC:-

1. Heard Mr. Kuldeep Nikam, learned Advocate for the Applicant and Mr. Amit Palkar, learned APP for the Respondent/State.

2. By this Application, the Applicant seeks Regular Bail in C. R. No. 107 of 2021 registered at Pimpri Police Station, District Pune, for offences punishable under Sections 302, 386, 364A, 364, 201, 120B, 457, 380, 411, 414 r/w 34 of the Indian Penal Code, 1860 ("IPC") and under Sections 3(1)(i)(ii) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 ("MCOC Act"). The said crime is registered as MCOC Case No. 597 of 2021 and is pending before the Court of the Special Judge under the MCOC Act, Pune

(Special Court). There are nine accused in the present case. The Applicant is Accused No. 4.

3. Mr. Kuldeep Nikam, learned Advocate for the Applicant, submits that the Applicant was arrested on 28 February 2021 and has been in jail since then. He further submits that the Bail Application (Exhibit-32) filed by the Applicant in MCOC Case No. 597 of 2021 was rejected by the Special Court on 04 February 2025.

4. Mr. Kuldeep Nikam, learned Advocate for the Applicant, restricts this Application on the ground that the Applicant has been in jail for more than five years and that, to date, no charge has been framed in MCOC Case No. 597 of 2021. He submits that the Applicant was not produced before the Special Court on 79 occasions. He further submits that the prosecution has enlisted 110 witnesses in the present case. He relies on the decision of the Hon'ble Supreme Court in *Siddhant alias Sidharth Balu Taktode Vs. State of Maharashtra and another*¹.

5. Mr. Amit Palkar, learned APP for the Respondent/State, does not dispute that the Applicant has been in jail since 28 February 2021 and that the charge has not been framed in MCOC Case No. 507 of 2021.

6. Perused the records with the assistance of the learned Advocates for the parties.

7. The record reveals that the Applicant has been in jail since 28 February 2021, i.e. for almost 5 years and 3 months as on date.

¹ 2024 SCC OnLine SC 2798

8. This Court, by order dated 10 February 2026, after noting the submissions made by Mr. Kuldeep Nikam, called upon the Superintendent, Yerwada Central Prison, Pune, to submit a Report explaining why the Applicant was not produced before the Special Court on 79 occasions.

9. Mr. Amit Palkar, learned APP for the Respondent/State, submits that, as per the Report dated 04 March 2026 filed by the Superintendent of Yerwada Central Prison, Pune, the Applicant was produced before the Special Court on 16 occasions.

10. In the case of Siddhant @ Sidharth Balu Taktode (supra), the Hon'ble Supreme Court, in paragraphs 9 and 10, has observed as under:-

9. However, it is to be noted that this Court in the case of Manish Sisodia v. Directorate of Enforcement (2024 SCC OnLine SC 1920 : 2024 INSC 595), while considering the twin conditions, as applicable under the provisions of Prevention of Money Laundering Act, 2002 has held that prolonged incarceration without the accused being made to face the trial would result in forcing him to face the sentence without undergoing the trial. In the said case of Manish Sisodia (supra), the Court has also held that the right to speedy trial is also one of the facets of the rights flowing from Articles 19 and 21 of the Constitution of India. The said judgment of this Court in the case of Manish Sisodia (supra), has been constantly followed in various other judgments including the case of Kalvakuntla Kavitha . Directorate of Enforcement (2024 SCC OnLine SC 2269 : 2024 INSC 632).

10. The material placed on record would reveal that for a period of the last six years, out of 102 dates, the accused has not been produced before the Court either physically or through virtual mode on most of the dates. On the last date, we had put a query to the learned counsel appearing for the State as to why the charges were not framed as of date in this case. Shri Kilor fairly states that the charges have not been framed in the cases which are registered prior to the registration of the present case. We

may say with anguish that this is a very sorry state of affairs. If an accused is incarcerated for a period of approximately five years without even framing of charges, leave aside the right of speedy trial being affected, it would amount to imposing sentence without trial. In our view, such a prolonged delay is also not in the interest of the rights of the victim.

(Emphasis supplied)”

11. In view of the above, this Court is compelled to release the Applicant on bail on the sole ground of prolonged incarceration.

12. Mr. Kuldeep Nikam, learned Advocate for the Applicant, on instructions, states that the Applicant shall not enter the jurisdiction of the Pimpri Chinchwad Commissionerate till the conclusion of MCOC Case No. 597 of 2021. Statement accepted.

13. This Bail Application is allowed on the following conditions:

(a) Applicant be released on bail in Crime No. 350 of 2020 registered with Pimpri Police Station, Dist. Pune upon furnishing PR. Bond in the sum of Rs. 75,000/- with one or two local sureties in the like amount to the satisfaction of the Court of Special Judge (Under MCOC Act), Pune in MCOC Case No. 597 of 2021.

(b) Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade that person from disclosing the facts to the Court or any Police Officer. The Applicant shall not tamper with evidence.

(c) Applicant, upon release within 3 days, shall furnish his residential address, proof and contact details to the Investigating Officer, Pimpri Police Station, Dist. Pune.

(d) Applicant shall deposit his passport, if any, with the Court of the Special Judge under the MCOC Act, Pune, in MCOC Case No. 597 of 2021, within three (3) days of his release from jail.

(e) Applicant shall attend each date of hearing in MCOC Case No.597 of 2021 before the Court of the Special Judge, under MCOC Act, Pune, unless exempted.

(f) Applicant shall attend and report to the Investigating Officer, Pimpri Police Station, Dist. Pune on every 1st and 4th Saturday of every month from 11 a.m. to 1 p.m. till conclusion of trial in MCOC Case No. 597 of 2021.

(g) Applicant shall not enter the territorial jurisdiction of the Pimpri Chinchwad Commissionerate until the conclusion of MCOC Case No. 597 of 2021. Applicant shall enter the jurisdiction of Pimpri Chinchwad Commissionerate only for the purpose of marking his attendance with the Investigating Officer and for attending the hearing in MCOC Case No.597 of 2021.

(i) Applicant shall not leave the jurisdiction of the State of Maharashtra without permission of the Court of Special Judge, under MCOC Act, Pune.

14. Bail Application No. 2149 of 2025 is allowed in the above terms.

(ASHWIN D. BHOBE, J.)