



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO.3931 OF 2025**

|                                |     |            |
|--------------------------------|-----|------------|
| Yogesh @ Pappu Prakash Dhabade | ... | Applicant  |
| versus                         |     |            |
| The State of Maharashtra       | ... | Respondent |

Mr. Shailesh Chavan, for Applicant.  
Mr. C.D.Mali, APP for State.  
API B.S.Kamble, Paud Police Station present.

**CORAM: N.J.JAMADAR, J.**

**DATE : 5 JANUARY 2026**

**P.C.**

1. Heard the learned Counsel for the parties.
2. This is a second application for bail.
3. The Applicant is arraigned in Special Case (MCOC) No.53 of 2019 arising out of C.R.No.239 of 2019 registered with Paud Police Station for the offences punishable under Sections 302, 364, 364A and read with Section 34 of the Indian Penal Code, 1860 and Sections 3(1)(i)(ii) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999.
4. The gravamen of indictment against the applicant and the co-accused is that, Suraj A. Dhokale (A1) is the leader of an organized crime syndicate. The Applicant and others co-accused are the members of the said organized crime syndicate. As many as 12 crimes have been registered against Suraj (A1) and three crimes have been registered against the Applicant, including

C.R.No.239 of 2019 for which he has been arraigned in the instant case. Mayur Bhagwat, the deceased, was the husband of the first informant. The deceased had borrowed a sum of Rs.20,000/- from Vishal Desai, co-accused, who was dealing in the business of illegal money lending. In order to coerce the deceased to repay the said amount along with exorbitant interest, on 12 May 2019, Vishal Desai, the Applicant and Suraj (A1) came to the house of the first informant and took away the deceased in a Ford Icon car. The deceased did not return home till 14 May 2019. Thus, while a missing report was being filed, Paud police informed the first informant that a deadbody was found at Village Ravade and it was kept in the morgue at Sassoon Hospital. The first informant identified the said deadbody to be that of the deceased.

5. During the course of investigation, it transpired that the applicant and the co-accused had assaulted the deceased by deadly weapons, as the latter expressed his inability to repay the amount. The provisions contained in MCOCA were invoked. The statement of the co-accused were recorded under Section 18 of the Act, 1999. The applicant absconded. The Applicant came to be arrested on 2 June 2021.

6. First Bail Application being BA No.2280 of 2023 was disposed as withdrawn as this Court had expressed its disinclination to entertain the prayer for bail.

7. The Applicant has preferred this second Application for bail, primarily on the ground of long period of incarceration and the release of Suraj (A1) on bail by this Court by an order dated 29 September 2025 on the ground of long period of incarceration.

8. The Respondent – State has resisted the application by filing an affidavit in reply.

9. I have heard Mr. Shailesh Chavan, learned Counsel for the Applicant and Mr. Mali, learned APP for the State, at some length.

10. Mr. Chavan, learned Counsel for the Applicant submitted that, since the gang leader Suraj (A1), against whom as many as 12 crimes have been registered, has been enlarged on bail, the Applicant deserves the same dispensation. It was urged that the applicant has been in custody for almost four years and seven months. Charge has yet not been framed. In these circumstances, the right of the applicant to speedy trial has been completely defeated. Therefore, on the ground of prolonged period of incarceration and parity as well, the applicant deserves to be enlarged on bail.

11. On the merits of the matter, Mr. Chavan submitted that, it was not the case of the prosecution that the deceased had transactions with the applicant. Vishal Desai, the co-accused had allegedly lent money on interest to the applicant. At this juncture, apart from the statement of the co-accused recorded under Section 18 of the MCOCA, there is no other material to

incriminate the applicant.

12. Mr. C.D.Mali, learned APP for the State, strongly opposed the prayer for bail. A two-pronged resistance was put forth by Mr. Mali. First, the material on record indicates that, the applicant was the person who had abducted the deceased and initially assaulted the deceased by means of deadly weapons. Second, the applicant does not deserve to be enlarged on bail on the ground of parity, as the applicant had made himself scarce and the applicant could be arrested only pursuant to the standing non-bailable warrants issued against the applicant. For over two years, the applicant had evaded the arrest. Therefore, the applicant cannot draw any mileage from the fact that Suraj (A1) has been enlarged on bail.

13. On the merits of the matter, as noted above, the first bail application was disposed as withdrawn as this Court had expressed its disinclination to entertain the prayer for bail having regard to the material qua the applicant. Suffice to note that, a very strong prima facie case is made out against the applicant. The statement of the first informant squarely incriminates the applicant as one of the persons who had abducted the deceased on the night of 12 May 2019 and on the very next day, the body of the deceased was found with fatal injuries.

14. Secondly, the statement of the co-accused recorded under Section 18 of the Act, 1999, prima facie, indicates that it was the applicant who had

initially pulled the deceased out of the vehicle and assaulted him by means of chopper and, thereafter, the co-accused assaulted the deceased. These two factors, at this stage, militate against the innocence sought to be pleaded on behalf of the Applicant.

15. It is true, by an order dated 29 September 2025, this Court has enlarged Suraj (A1) on bail, singularly for the delay in the commencement of the trial and long period of incarceration. There can be no duality of opinion that prolonged period of incarceration without a realistic prospect of expeditious conclusion of the trial impairs the right of the accused to have a speedy trial, which is a facet of right to life. In the face of prolonged period of incarceration, even the statutory restrictions in the matter of grant of bail, like the provisions under Section 21 of the MCOC Act, 1999 and Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1999, melt down.

16. In the case at hand, the applicant has been in custody for four years and 7 months. Suraj (A1) was in custody for over six years. It is not the difference in the period of incarceration, but the fact that the applicant had made himself scarce and could only be arrested after more than two years of the occurrence, puts the Court on guard. As the accused was absconding, the Special Court, MCOCA had repeatedly issued standing non-bailable warrants against the applicant.

17. I find substance in the submission of Mr. Mali that, the aforesaid

conduct of the accused does not entitle him to claim parity with Suraj (A1). The fact that the applicant was absconding for over two years after the alleged incident, renders it unsafe to exercise the discretion in favour of the applicant, even on the ground of long period of incarceration.

18. Nonetheless, in the circumstances of the case, this Court considers it necessary to direct the learned Special Judge, MCOCA, to commence and conclude the trial in a time frame.

19. Mr. Mali, learned APP, invited attention of the court to an order passed by the learned Special Judge on 25 November 2025 which records that the applicant and the co-accused sought adjournment on the ground that the bail application was pending and, therefore, the charge could not be framed.

20. This Court, therefore, considers it appropriate to issue directions to the learned Special Judge to pass an order on framing of the charge.

21. Hence, the following order :

#### ORDER

(i) The Bail Application stands rejected.

(ii) The learned Special Judge, MCOCA, shall pass an order on charge on the next scheduled date of the listing of the Special Case No.53 of 2019, and, dependent upon the order on charge, conclude the trial as expeditiously as possible and, preferably, within a period of one year from the next scheduled listing of the Special Case No.53 of 2019.

(iii) In the event, the trial is not concluded within the said period of one year, the applicant shall have the liberty to revive the prayer for bail.

**( N.J.JAMADAR, J. )**