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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2582 OF 2026

Akshay Ashok Shivale .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr. Sachin Pawar a/w Shailesh Chavan i/b Mohit Dalvi for the Applicant.
- Ms. Anuja Gotad, APP for the Respondent - State.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 19, 2026

P.C.:

1. Heard Mr. Pawar, learned Advocate for Applicant and Ms. Gotad, learned APP for Respondent.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with C.R. No.578 of 2021 registered with Chakan Police Station, Pune for offences punishable under Sections 302, 216, 143, 147, 148, 149, 120(B) and 201 of the Indian Penal Code, 1860, under Sections 3(1)(i),(ii) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (for short '**MCOC Act**') and under Sections 4 r/w 25 and 27 of the Arms Act, 1959 and under Section 135 of the Maharashtra Police Act, 1951.

3. The Applicant in the present case is alleged to be one of the gang members but has no antecedents. He is in incarceration for the last 5 years and 5 months pending trial. The charge is not framed and the trial has not commenced. Five out of the eleven co-accused persons, including the gang leader in the present case, have already been enlarged on bail.

4. The case of the prosecution against the Applicant is that he was one of the assailants in the alleged incident, which is supported by four eyewitness accounts. However, considering the similar role attributed to the accused persons who have already been enlarged on bail, I am inclined to consider the case of the Applicant for releasing him on bail on the twin grounds of long incarceration pending trial and also on parity. The Applicant is granted bail.

5. Hence, in view of above *prima facie* observations and findings, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant is directed to be immediately released from prison in connection with CR. No.578 of 2021;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty-Five Thousand only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month, on the first Sunday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid

conditions shall entail cancellation of the bail granted to the Applicant.

6. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

7. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]