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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION No. 305 of 2015.

Anirudha @ Mahesh Ashok Kamble

..Applicant.

Vs

The State of Maharashtra

..Respondent.

Mr Amrish R. Salunkhe for the Petitioner.

Mr A.S.Shitole, APP for the State.

CORAM : A.R.JOSHI, J

DATE : 17th APRIL, 2015

P.C. :

- 1) Heard the learned Counsel for the applicant. This is, apparently, third bail application preferred by the applicant in the matter of offences punishable under Sections 143, 144, 147, 148, 149, 302 and 120-B of IPC and 4, 27 of the Arms Act.
- 2) First bail application bearing No. 61 of 2014 was rejected by this Court vide order dated 6th May, 2014. That time the case as against the present applicant prima facie establishing his involvement in the offence of murder with conspiracy was discussed in detail and even the request for grant of bail on parity was also discussed and rejected by this Court. Thereafter, another

bail application bearing No. 1686 of 2014 was preferred before the another Bench but it was simplicitor withdrawn. This is the third bail application. Apparently, there are no changed circumstances so as to view the matter differently. Still, it is tried to argue by the learned Counsel for the applicant that the alleged recovery of weapon at the instance of the present applicant cannot be accepted as trustworthy for the reason that the vehicle used during the said recovery panchnama was not taken out from the police station as per the logbook record, which was subsequently obtained on behalf of the applicant under the Right to Information Act. Secondly, it is argued that from the investigation papers itself, it is evident that the alleged voluntary statement of the applicant was recorded from 2:45 p.m. to 3:00 p.m. on that day of the panchnama. However, subsequent discovery panchnama was then conducted after about 5:00 p.m. and in the intervening period there was another panchnama conducted by the Officer. If at all this position is accepted as alleged by the applicant, as truthful, this in itself will not negate the effect of the recovery panchnama which prima facie shows that weapon of offence was recovered at the instance of the present applicant, apart from his role in the offence of murder as spelt out by other witnesses. In any event, this Court has already

dealt with the material against the present applicant prima facie available, sufficient enough showing his involvement and not entitling him for grant of bail and as such there is nothing to view the matter differently. At the most, direction can be given to the Trial Court to expeditiously deal with the pending Sessions Court. Hence, bail application No. 305 of 2015 is dismissed and disposed of. The learned Sessions Court which is seized of the Sessions Case No. 626 of 2013 shall deal with the said matter, as expeditiously as possible, in accordance with law.

(A.R.JOSHI, J.)