

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.458 OF 2015

PRAKASH GULAB CHAVAN)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA & ANR.)...RESPONDENTS

Mr.J.PKharge, Advocate for the Applicant.

Mr.Deepak Thakre, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 11th MARCH 2015.

P.C. :

1 Heard Mr.J.PKharge, the learned counsel for the applicant. Heard Mr.Deepak Thakre, the learned APP for the State.

2 The applicant's previous application for bail was rejected by me (Criminal Application No.1531 of 2014 decided on 14th August 2014). Now the prayer for bail is renewed primarily

on the ground that a co-accused, similarly placed, has subsequently been released on bail by this court.

3 My attention is drawn to the order passed by this court on 17th November 2014 whereby a co-accused Sudarshan Javir was released on bail (Bail Application No.1987 of 2014) (Coram : P.D.Kode J.). It is urged before me that the case of the present applicant may not be treated very differently from that of the said accused.

4 In the circumstances, it was thought fit to call for a report from the trial court, as to the stage of the trial and the approximate time that would be required to complete the same. Accordingly, a report has been received and I have gone through the same. It appears that Charge has been framed only 13th February 2015. The trial court has assured that the case would be disposed of by 31st October 2015, as directed by this court in it's order passed in Bail Application No.2108 of 2014.

5 I have carefully considered the matter.

6 The applicant is in custody since 17th December 2013.

7 Though the application for bail filed by the applicant previously was rejected, a certain weakness in the case of the prosecution was noticed at that stage itself, and that is, that the applicant was not placed in any Test Identification Parade. It was, however, thought to be a case of strong suspicion against the applicant, based on the alleged recovery of cash amount and certain ornaments said to have been purchased from the robbed property, from the house of the applicant. It was also observed that, there were no reasons to believe that the trial would be unreasonably delayed.

8 The case of the co-accused Sudarshan Javir cannot be said to be very different from that of the present applicant. It is also submitted by the learned counsel for the applicant that the denomination of the currency notes, as allegedly, recovered from

the house of the applicant, and the denomination of the currency notes, which were robbed as given in the First Information Report (FIR), does not tally.

9 There are no antecedents.

10 Considering all the relevant aspects of the matter, I am inclined to release the applicant on bail, subject to certain conditions.

11 The application is allowed.

12 The applicant is ordered to be released on bail in the sum of Rs.30,000/- with 1 surety in the like amount, on the following conditions :

- (a) The applicant shall not contact, meet, or approach any of the prosecution witnesses, in any manner, whatsoever.

- (b) The applicant shall report to Khopoli Police Station on the first Sunday of each calendar month, till the disposal of the case against him.

13 Notwithstanding the release of the applicant on bail, the trial court shall ensure that the trial is completed by 31st October 2015, as assured by it.

(ABHAY M. THIPSAY, J.)