

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1294 of 2015

Manohar Mahadev Chavan .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr.A.P.Mundargi, Senior Advocate with Mr.S.R.Mithare, Advocate for the applicant.

Mrs.S.Gajare-Dhumal, APP for the Respondent State.

ASI Mr.M.S.Nalawadi from Vakola Police Station present.

CORAM : ABHAY M. THIPSAY, J.

DATED : 7th AUGUST, 2015

P.C. :

1 Heard Mr.A.P. Mundargi, learned Senior Advocate for the applicant. Heard Mrs.S.Gajare-Dhumal, learned APP for the State.

2 The applicant's previous application for bail was withdrawn by him after having advanced certain arguments (Bail Application No.956/14 decided on 21st July 2014) Now, the present application for bail has been made on the ground that the applicant is in custody since 9th October 2013, and that, the trial has not yet commenced.

3 The co-accused in this case have already been released on bail much earlier. The applicant was not released as he appears to be the main accused having played a major role in the alleged incident.

4 Undoubtedly, there exists a strong *prima facie* case of a serious offence against the applicant. The learned APP submitted that the case being a gross one, in spite of the fact that the applicant is in custody since 9th October 2013, he may not be released on bail. She also submitted that the trial could not commence as all the accused never remain present before the Court, and the Court has not been able to frame a charge.

5 While it is true that there exists a strong *prima facie* case against the appellant, considering the period in custody already spent by the applicant, and the fact that there are no antecedents, I am inclined to give one opportunity of availing of liberty to the applicant. Mr. Mundargi, the learned Senior Advocate for the applicant submitted that the applicant is ready to abide by a condition that if released on bail, he will not enter inside the local limits of Vakola Police Station. He also submits that the applicant shall remain present before the Court of Sessions on all dates of hearing, as may be fixed by the Court of Sessions and shall also further report to any police station in Brihan Mumbai as may be directed. Considering this, I am inclined to release the applicant on bail subject to certain conditions.

6 Application is allowed.

7 Applicant is ordered to be released on bail in the sum of Rs.30,000/- with one surety in like amount on the following conditions :-

(i) The applicant shall not enter inside the local limits of Vakola Police Station till the disposal of the case against him.

(ii) The applicant shall report to the Bandra Police Station everyday between 7.00 p.m to 8.00 p.m till the disposal of the case against him.

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

8 Any failure on the part of the applicant to report to the Bandra Police Station shall forthwith be communicated by the Inspector in-charge of the said police station to Vakola Police Station, and Inspector in-charge of Vakola Police Station shall report the matter to the trial Court. The trial Court on receipt of such report shall take such further action in the matter, as if this bail order had been passed by that Court itself.

9 The trial Court shall expedite the trial and endeavour to complete it as early as possible.

(ABHAY M.THIPSAY, J)