

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1722 OF 2015

Santosh J. Gaikwad vs.The State of Maharashtra.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.V.Kini for the Applicant.

Ms.S.D. Shinde, APP. for the State.

Mr. Irfan Ibrahim Shaikh, PI,Airport Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 01st December 2015.

P.C.

This is an application for bail in CR No.37/2014 registered with Air Port Police Station, Mumbai under Section 302 read with 34 of the I.P.C.

2) The date of incident in the present crime is 25.7.2014 at about 11.30p.m. The name of the deceased is Ravi Thomas Nadar. It is the prosecution case that in pursuance of the scuffle which had taken place between the accused persons herein and the deceased at about 9.00 a.m. in the morning, the applicant along with co accused namely Chandrakant Kabade assaulted the deceased with the aid of cricket bat. The role attributed to the present applicant is that the

applicant pulled out the deceased from the rickshaw and assaulted him with kicks and fist blows. That when co accused Chandrakant Kabade was assaulting the deceased Ravi Thomas, the present applicant threatened the witnesses. The learned counsel for the applicant submitted that as a matter of fact the main accused who allegedly assaulted the deceased Ravi Thomas with cricket bat has been released on bail as the charge sheet as against him was not submitted by the Investigating Officer within a stipulated period. He submitted that the role attributed to the present applicant is comparatively lessor than the role attributed to the co accused Chandrakant Kabade. This court raised a query with the police officer as to why the charge sheet was not filed within the stipulated period, the learned APP. on instructions from the Investigating Officer submitted that the Investigating officer was waiting for Medical certificate and the Chemical Analyzer's report. I am surprised to hear this submission. It appears that the Investigating officer has conveniently did not submit the charge sheet against the main accused in the present crime wherein the present applicant

is co accused.

3) Be that as it may, as the main accused namely Chandrakant Kabade who has been attributed the role of assault with cricket bat has been released on bail, the applicant who has been attributed lesser role in this crime has to be released on bail. In view of the above, I am inclined to allow the present application. Hence, the following order.

ORDER

- a) The applicant be released on bail in CR No.37/2014 registered with Air Port Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- b) After his release on bail the applicant shall report the Investigating officer on first Monday of each month between 11.00a.m. to 1.00p.m. till the conclusion of the trial.
- c) The applicant shall not tamper the prosecution evidence and influence the prosecution witnesses.

Application is disposed of in the aforesaid terms.

(A.S. GADKARI, J.)