

Dond

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 85 OF 2016

Ganesh Pandurang Devle

And

Ganu Pandu Kadav

..Applicants.

Vs.

The State of Maharashtra

..Respondent

Mr. Prakash Naik a/w Mrs. Vrishali Raje for applicants.

Ms. M.H. Mhatre, APP for State.

Mr. Jangam S. D., API, Virar Police Station present.

CORAM: A.S. GADKARI, J.

DATE : 1st March 2016.

P.C.

1 The applicants are seeking bail in CR No.I-376 of 2012 dated 10.10.2012 registered with Virar Police Station under Sections 395, 397, 504, 427 of IPC.

2 At the outset, the learned APP on instructions submitted that the investigation pertaining to the present crime is completed and police are submitting chargesheet before the Court of competent jurisdiction within two days i.e. on or before 4th March 2016. In view of the same, the learned Counsel for the applicants on instructions seeks leave to withdraw the

application qua the applicant No.1-Ganesh Pandurang Devle. Leave granted.

3 As far as the applicant No.2-Ganu Pandu Kadav is concerned, he is aged about 70 years as of today. Bare perusal of the FIR discloses that a general statement is made attributing the role to the applicant No.2 in the entire crime. It further appears from the record that though the said crime was registered on 10.10.2012, the police did not put in sufficient efforts to arrest the accused persons. In the cross complaint lodged by the applicants bearing No.377 of 2012, the police have also not arrested anybody till date. It further appears from the record that if the applicant No.2 is released on bail, he will not tamper with any evidence and/or influence the prosecution witnesses. The learned APP on instructions submitted that there are no antecedents at the discredit of the applicant No.2.

4 In view of the same, in my opinion the applicant No.2 has made out a case for his release on bail. Hence, the following order:-

(i) As far as the applicant No.1-Ganesh Pandurang Devle is concerned, the application is allowed to be withdrawn with liberty to file fresh bail application before the Trial Court after chargesheet is filed.

(ii) The applicant No.2-Ganu Pandu Kadav be released on bail in CR No.I-376 of 2012 dated 10.10.2012 registered with Virar Police Station

on his furnishing PR bond of Rs.15,000/- with one or two solvent sureties in the like amount.

(iii) The applicant No.2 shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)