

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.479 OF 2016
with
CRIMINAL APPLICATION NO.231 OF 2016

Jawahar Chellaram Bijlani @ Suresh Bijlani ... Applicant
Vs.
The State of Maharashtra ... Respondent
And
Sandeep SunilKumar Loharia ... Intervener

with
BAIL APPLICATION NO.480 OF 2016
with
CRIMINAL APPLICATION NO.230 OF 2016

Jawahar Chellaram Bijlani @ Suresh Bijlani ... Applicant
Vs.
The State of Maharashtra ... Respondent
And
Sandeep SunilKumar Loharia ... Intervener

Ms.Archana Khan for the Applicants
Mr.Sanjiv Sawant a/w Himanshu Kode and Pankaj Kode for Intervener in
APPP/231/2016
Mr.S.H. Yadav, APP, for Respondent – State
Mr.P.T. Hiwale, PSI, Thane Crime Branch – present

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: MARCH 21, 2016

P.C.:

1. These two applications are moved for interim bail as the applicant/accused is in jail since 23.7.2013. He is arrested in C.R. No.67 of 2013 and prosecuted in Sessions Case No.481 of 2013 for offences punishable under sections 302, 120B, 201 r/w 34 of the Indian Penal Code

and under section 3(25), 3(27) and 4(27) of the Arms Act. He is also arrested in C.R. No.58 of 2014 in Sessions case No.48 of 2015 for the offences punishable under sections 120B, 115, 302 and 201 of the Indian Penal Code.

2. The learned Counsel for the Applicant submits that in C.R. No.58 of 2014, charge of 3092 is not dropped. She submits that nearly for four times, this Court as also the Supreme Court granted temporary bail to the applicant-accused. On all the four occasions, he has surrendered himself to the jail authorities. It is submitted that the father of the accused died on 17.2.2016. The mother of the applicant is suffering from dementia and is not aware where the accused is. Therefore, she is clueless as to why the accused is not coming to perform the last rites of her husband i.e., the father of the applicant. She submitted that the applicant is to be given temporary bail and he is also ready to pay the escort charges so that he can go and perform the last rites of the father and will come back to the jail.

3. The learned Counsel for the complainant has submitted that the bail application of this applicant-accused was rejected by the Supreme Court. The learned Prosecutor has opposed this application for temporary bail.

4. I have considered the facts of the sequence of incidents and the submissions of the learned Counsel. The applicant-accused was released

on 4 times as per the submissions of the learned Counsel for the applicant-accused within a period of about 2½ years. He was released in February as his father had expired. Performing last rites, in my view, is not a ground to grant temporary bail. Hence, both the bail applications are rejected.

5. In view of the above, Application for intervention also stand disposed of.

(MRIDULA BHATKAR, J.)