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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.368 OF 2016

IN

CRIMINAL APPEAL NO.605 OF 2012

WITH

CRIMINAL APPEAL NO.559 OF 2012

WITH

CRIMINAL APPEAL NO.666 OF 2012

Pradeep Olicver D'mello

..Applicant.

V/s.

The State of Maharashtra

..Respondent.

Mr.R.D.Suryawanshi for the applicant.

Mr.J.P.Yagnik, APP for respondent-State.

**CORAM : NARESH H.PATIL AND
A.M.BADAR, JJ.**

DATED : 6TH APRIL, 2016

P.C. :-

1. The applicant prays for release on bail pending hearing and final disposal of Criminal Appeal No.605 of 2012.
2. The applicant was convicted and sentenced for an offence punishable under section 304 Part I and other offences to suffer life imprisonment. In all three accused preferred appeal against the judgment and order of conviction and sentence.

3. This is the third bail application filed by the applicant. Counsel submits that in 2017 the applicant will complete 14 years of imprisonment. A proposal for his premature release has already been forwarded to the State Government, which is pending consideration of the State. On merits, the applicant has a good case. In the alternate, counsel prays for an out of turn hearing of the appeal.

4. We have perused the record. This is the third bail application filed by the applicant. This is a case of manufacture and sale of illicit liquor which resulted in the death of 87 persons. In all 266 persons consumed liquor of methanol had suffered. Out of them, 87 persons died due to consumption of the said substance. On merits, we do not find that the applicant deserves to be released on bail. The application is rejected.

5. At present appeals against conviction of the year 2002 are listed on board. Therefore, the alternate prayer at this stage is not considered. The application, therefore, stands rejected.

(A.M.BADAR, J.)

(NARESH H.PATIL, J.)