

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.610 OF 2016

Shyamkishore Murlidhar Garikapatti ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.S.R. Pasbole i/b Sandeep Kumar Singh for the Applicant
Ms.S.S. Kaushik, APP, for Respondent – State
Mr.Sagar Chavan, PI, Bhayander police station – present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 23, 2016**

P.C.:

1. This bail application is preferred by the applicant-accused as he is facing charges under sections 387, 504, 506(2) r/w section 34 of the Indian Penal Code and section 3(25) of the Indian Arms Act in C.R. No.247 of 1998 registered with the Bhayander police station.
2. The learned Counsel for the Applicant has submitted that the applicant-accused is inside under the said C.R. for nearly 5 years and the maximum punishment under section 387 is 7 years. However, he was absconding in between. Though he is in custody of the Magistrate since April, 2015, in October, 2015, the bail application was rejected by the learned Magistrate on the ground that he was not produced before the Court. The learned Sessions Judge has also further rejected the bail

application under section 436A as the powers are not with the Sessions Court. Therefore, the applicant-accused is before this Court.

3. The learned Prosecutor has opposed the bail application. She submitted that the applicant-accused is facing two more cases under section 302 of the Indian Penal Code and he is a hardcore criminal. He was absconding since June, 2003 to 2015. Therefore, this is not a case to be granted bail.

4. Perused the papers. The applicant-accused has moved the application for bail. He is an undertrial prisoner in the case which is registered at R.C. No.313 of 1999. However, he was absconding for more than 11 years i.e., since June 2003 till April, 2015 i.e., till he was arrested. Considering his criminal record and the fact that he was absconding for more 11 years and two cases of murder are registered against him, I am not inclined to grant bail to the applicant-accused at this stage. Accordingly the bail application is rejected. However, as the case is pending since 1999, the learned Magistrate is directed to complete the trial of R.C. No.313 of 1999 on a priority and day to day basis and in any event conclude the case on or before 31st August, 2016.

5. Bail application is disposed of accordingly.

(MRIDULA BHATKAR, J.)