IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRI. BAIL APPLICATION NO. 640 OF 2016

Mr.Sudarshan Vishnukant Chandrapatle … Applicant.

V/s.

The State of Maharashtra … Respondent.

Mr. Girish B. Badiger, Advocate for the Applicant.
Mr. Deepak Thakery, A.P.P. for the Respondent – State.

CORAM : A. M. BADAR, J.
DATE : 28th JUNE, 2016

P.C. :

1 Applicant/accused in Crime No. 282 of 2004 registered with Chinchwad Police Station, Pune, for the offences punishable under sections 454, 380,311,313 r/w. 34 of the Indian Penal Code, by this application is praying for releasing him on bail, pending trial.

2 Heard the learned counsel appearing for the Applicant /accused as well as the learned APP for the State.

3 Perused the chargesheet. Evidence as against the present applicant is his statement recorded under section 27 of the Evidence Act in which he has shown his willingness to point out the place where alleged offences were committed.

It is argued that the recovery is from the co-accused, who has already been released on bail. This statement is not disputed by the learned APP. Learned APP submits that the present applicant has criminal antecedent and, therefore, he may not be released on bail.

4 Presumption is that unless and until the guilt is proved, the accused is supposed to be innocent. In the case in hand, except memorandum statement of the present applicant and that too indicating his willingness to disclose the place of offence, prima facie, nothing is against the present applicant. As such pre-trial detention of the applicant is not warranted and therefore, the following order :

ORDER

i. The application is allowed.

ii. The applicant/accused in Crime No. 282 of 2004 registered with Chinchwad Police Station, Pune, be released on bail on executing PR bond in the sum of Rs.50,000/- and on furnishing one or two solvent sureties in the like amount.

iii. As a condition of this order, the Applicant should attend the trial court regularly and co-operate in expeditious disposal of the trial.

iv. In addition, the Applicant/accused is directed that they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade such person from disclosing such facts either to the Court or to any police officer and that the applicant shall not tamper with the prosecution evidence in any manner.

v. The applicant should not commit offence of similar nature in future.

The application is disposed of accordingly.

(A. M. BADAR, J.)

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