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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 478 OF 2017

Milind Shashikant Wakode & Ors. ..Applicants

Vs.

The State of Maharashtra & Anr. ..Respondents

Ms. Anjali Awasthi for Applicants.
Mrs. P.P. Shinde, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 21st April 2017.

P.C.

1] This is an application for mandatory bail in CR No.142 of 2016 dated 12.9.2016 registered with Deonar Police Station, Mumbai under Sections 307, 323, 504, 506(II) read with 34 of the Indian Penal Code.

2] The first information report is lodged by Mr. Salman Khan. The record reveals that the applicants were arrested on 13th June 2016 and produced before the learned Magistrate for remand on 14th June 2016. As

Section 307 of the Indian Penal Code is applied to the present crime, the period to complete the investigation as prescribed under Section 167 is 90 days. That the said period of 90 days came to an end on 11.9.2016. That applicants thereafter preferred an application as contemplated under Section 167(2)(a) on 14.9.2016, as indefeasible right had accrued in their favour on 11.9.2016. The record reveals that after filing of the application, the police submitted chargesheet in the Court of Metropolitan Magistrate, 45th Court, Kurla, Mumbai in the afternoon of 14.9.2016. The learned Magistrate rejected the application preferred by the applicants by its Order dated 14.9.2016 on the ground that before deciding the said application, chargesheet was filed by the police.

3] As stated above on 11.9.2016 itself an indefeasible right had accrued in favour of the applicants, the applicants are entitled for in-default bail as the police did not submit chargesheet on or before expiry of 90th days. In view thereof, the applicants are entitled to be released on bail under Section 167(2)(a) of Cr. P.C.

Hence, the following Order:

(i) The applicants shall be released on bail in CR No.142 of 2016 registered with Deonar Police Station, Mumbai on their furnishing PR bond of Rs.25,000/- each with one or two separate solvent sureties in the

like amount.

(ii) After their release from the jail, the applicants shall attend the Deonar Police Station on every Monday till the conclusion of trial.

(iii) The applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

4] The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)