

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.1101 OF 2018

Chandu Janya Daandekar (At present in Thane Central Jail)	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

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Mr.Nitin V. Gangal a/w. Ms.Namita Mestry and Mr.Yogesh Morbale, Advocate for the Applicant.
Ms.A.A. Takalkar, APP for the Respondent – State.
Mr.Sambhaji Laxman Yadav, ASI, Gholwad Police Station, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : SEPTEMBER 4, 2018.

P.C. :

This is an application for bail. The applicant was arrested in connection with CR No.I-34 of 2011, registered with Gholvad Police Station, Taluka – Talasari, District – Thane (now in District-Palghar). The offences were registered under Sections 395, 394, 341, 458 read with 34 of IPC. Applicant was arrested on 16th April, 2012, and since then he is in custody.

2 Earlier application preferred by the applicant was withdrawn on the basis of the statement made by the prosecution

that all the witnesses have been examined in the present case. The said application was disposed of vide order dated 22nd March, 2018. Thereafter, this application was preferred. Even during the pendency of this application, it was stated that the trial had already concluded and all witnesses were examined. On verification, the said statement was found to be incorrect. Hence, the concerned officer was directed to file affidavit explaining the statement made on 22nd April, 2018. Therefore, affidavit has been filed in this proceedings, wherein the concerned officer has tendered apology for making the statement dated 22nd April, 2018.

3 Learned APP, on instructions, submitted that, so far prosecution has examined four witnesses.

4 Learned advocate for the applicant submitted that three other accused have been granted bail. There was recovery at their instance. However, they were not identified. Bail was granted to them. It is further submitted that the complainant has identified the applicant but his wife has failed to identify him. He further submitted that the test identification parade is faulty.

5 Learned APP submitted that the trial would be concluded shortly. Applicant is involved in two other cases, requested, before 2011. One case has resulted in acquittal and the other is pending. It is pertinent to note that the applicant is in custody from 16th April, 2012 i.e. for a period of six years. This itself is a ground for grant of bail. Considering the submissions advanced by both the sides, none continuously prolonged detention of the applicant in custody, this application is required to be allowed.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.1101 of 2018, is allowed;
- (ii) The applicant is directed to be released on bail in connection with CR No.I-34 of 2011, registered with Gholwad Police Station, Taluka-Talasari, District - Thane (Now in District-Palghar) , on his furnishing P.R. Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;

- (iii) Applicant shall report to Gholwad Police Station, Taluka-Talasari, District - Thane (Now in District-Palghar), once in a month on first Saturday of the month between 10:00 a.m. to 12:00 noon;
- (iv) Applicant shall attend the trial Court on the date of hearing of case after he is released on bail;
- (v) Applicant shall not tamper with the evidence;
- (vi) Bail Application No.1101 of 2018, stands disposed of.

Rajeshri
Prakash
Aher

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(PRAKASH D. NAIK, J.)