

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2215 OF 2018

Amol Balasaheb Dusingh

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Santosh Deshpande for the Applicant.

Mr. N.B. Patil APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 19th NOVEMBER, 2018.

P.C.:-

This is an Application under Section 167 of the Code of Criminal Procedure for mandatory bail.

2 The learned counsel appearing for the Applicant, submitted that, the other two accused in the present crime namely Arvind Bagul and Vilas Wagh have been released on bail by Orders dated 6th December 2017 and 4th July, 2018 respectively by this Court on the ground of non-filing of charge sheet within stipulated period as contemplated under Section 167(2) of the Code of Criminal Procedure.

3 The learned APP fairly submitted that, parity on facts and
law applies to the present Applicant also.

4 The perusal of record would indicate that, the Applicant is
entitled to be released on bail as per the mandate under Section
167(2) of the Code of Criminal Procedure, as the Investigating Agency
has failed to file charge-sheet on the 90th day from the date of arrest of
the Applicant and therefore, an indefensible right has been accrued in
favour of the Applicant.

5 In view of the above, the Applicant deserves to be released
on bail.

Hence, the following order.

- a) The Applicant be released on bail in CR No. I-6 of
2017 registered with Khandeshwar Police Station,
Navi Mumbai on his furnishing PR bond of
Rs.25,000/- with one or two solvent local sureties
in the like amount.
- b) After his release from jail, the Applicant shall
attend the Investigating Officer on every first

Monday of the month between 11.00 a.m. and
1.00 p.m.

- c) The Applicant shall not tamper with the evidence
and/or pressurize the prosecution witnesses.

6 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)