

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2481 OF 2018

HARSHAL MANOHAR BENDRE)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Hrishikesh Mundargi I/b. Mr.Hardik Vyas, Advocate for the Applicant.

Mr.P.H.Gaikwad-Patil, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 29th OCTOBER 2018

P.C. :

1 By this application, the applicant/accused in Crime No.97 of 2016 registered with Ulhas Nagar Police Station for offences punishable under Sections 302, 120B, 143, 144, 147, 148, 149, 201 and 506(II) of the Indian Penal Code as well as under Sections 4 read with 25 of the Indian Arms Act and under

Sections 37 and 135 of the Maharashtra Police Act is seeking his release on bail during pendency of the trial. This is second bail application of the present applicant/accused. His earlier Bail Application No.202 of 2017 came to be rejected by this court vide order dated 16th November 2017.

2 Heard the learned counsel appearing for the applicant/accused. He submitted that in reply to the query made under the Right to Information Act, 2005, by accused Sunil Karotiya, the information was received to the effect that Closure Report under Section 169 of the Code of Criminal Procedure was filed against the present applicant/accused as well as some of the accused. However, that information was not given to Sunil Karotiya and therefore, the appeal came to be lodged before the Appellate Authority under Right to Information Act, 2005. The learned counsel drew my attention to the order passed in the said appeal to the effect that the information be provided to the appellant i.e. co-accused Sunil Karotiya. With this, it is argued that the prosecution had filed Closure Report so far as present

applicant/accused Harshal Bendre is concerned, and this shows that, there was no evidence against present applicant/accused Harshal Bendre.

3 The learned APP opposed the application.

4 I have perused the papers regarding communication in respect of the application under the Right to Information Act, 2005, moved by co-accused Sunil Karotiya, and the order of the Appellate Authority regarding furnishing information to the said co-accused. However, it is seen that after charge-sheet is filed, even Criminal Case bearing no.278 of 2016 came to be registered against the present applicant/accused and the co-accused. It is not shown that the Closure Report, if any, was accepted by the concerned court.

5 While rejecting the earlier bail application of the present applicant/accused as well as the co-accused, this court in order dated 16th November 2017 passed in Criminal Bail

Application No.202 of 2017 as well as in bail applications of other co-accused, has dealt with the matter on merits and rejected the application of the present applicant/accused.

6 No changes in circumstances are pointed out now.
Hence, the following order :

ORDER

The application is rejected.

(A. M. BADAR, J.)