

Dond

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

BAIL APPLICATION NO. 615 OF 2019

Jitesh Omprakash Sharma

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Raees S. Kazi, for Applicant.

Ms. Rutuja Ambekar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 11th March 2019.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 18 of 2019 dated 5th January 2019 registered with Waliv Police Station, District Palghar under Section 306 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record the chargesheet.

3] The record indicates that, the present crime has been registered on 5th January 2019. The applicant was arrested 5th January 2019 and was produced before the concerned Magistrate for remand on the same day itself.

4] The offence against the applicant is registered under Section 306 of the Indian Penal Code whereby the maximum imprisonment is upto 10 years and the period to submit final report is 60 days as contemplated under Section 167(2)

of Cr. P.C. The said period of 60 days has come to an end on 6th March 2019. The learned APP on instructions submitted that, till date the police have not submitted chargesheet.

5] In view of the above, an indefeasible right has accrued in favour of the applicant and therefore, the applicant is entitled for default bail.

In view thereof, the present applicant can to be released on bail.

Hence the following Order:-

i] Applicant be released on bail in CR No. 18 of 2019 registered with Waliv Police Station, District Palghar, on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount;

ii] After his release from jail, the Applicant shall attend the Trial Court on every first Monday of the month between 11.00 a.m and 1.00 p.m. If the first Monday comes on a holiday, the applicant shall attend the Trial Court immediately on the next working day;

iii] In case of two consecutive defaults, the Investigating Officer is at liberty to file an application for cancellation of bail.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)