

Anand

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

**BAIL APPLICATION NO. 1146 OF 2018
IN
CRIMINAL APPEAL NO. 890 OF 2018**

Devendra Dilip Kolhe .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. V. V. Purwant, Advocate, for the Applicant
Mr. S. V. Gavand, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 02.05.2019

P.C.

. By this Application, the Applicant seeks his enlargement on bail pending the hearing and final disposal of his Appeal.

2. Learned counsel for the Applicant states that the Applicant has been falsely implicated in the said case. He submits that the trial Court had erred in law, by conducting the Applicant's trial with co-accused – Ravindra alias Aditya Suresh Lokare, though both the incidents were distinct. He submitted that in the

facts a joint trial was not warranted. He submits that on this very ground, the trial of the Applicant stands vitiated. He further submits that the Applicant was on bail pending the hearing and final disposal of his Appeal and that he has not misused / abused the liberty granted to him whilst on bail.

3. Learned APP does not dispute the fact that the Applicant has not misused / abused liberty granted to him whilst on bail.

4. Perused the papers. Admittedly, the Applicant is not related or even remotely connected with co-accused - Ravindra alias Aditya Suresh Lokare. Admittedly, both the incidents of rape are different. The question whether the trial of the Applicant is vitiated or not will be considered at the time, when the Appeal is finally heard. The Applicant was on bail pending trial and has not misused / abused liberty granted to him whilst on bail.

5. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail pending the hearing and

final disposal of his Appeal, on the following terms & conditions :-

O R D E R

(i) The Applicant be enlarged on bail on furnishing P. R. Bond in the sum of **Rs. 20,000/-** with one or two local sureties in the like amount;

(ii) The Applicant shall report to the trial Court, **once in four months** on the day / date specified by the trial Court, till his Appeal is finally disposed of;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicant shall keep the trial Court informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time;

(v) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

6. The Application is allowed in the aforesaid terms and

is accordingly disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)