

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.36 OF 2021

Kapildeo Chandrabalai Dube .. Applicant

Vs.

The State of Maharashtra .. Respondent

...

Ms. Anjali Patil for the Applicant.

Ms. Rutuja Ambekar, A.P.P. for the State.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 04TH AUGUST, 2021.

P.C:-

1. The Applicant is arrested in C.R. invoking offences under Sections 395, 397, 342, 412 and 201 of the Indian Penal Code read with Sections 4 and 25 of the Arms Act, on 13/03/2017. The arrest is effected in relation to an incident, which is alleged to have taken place on 03/03/2017. It is the very same offence in which the provisions of the MCOCA have been invoked.

2. On perusal of the material compiled in the charge-sheet, I

expressed my disinclination to release the Applicant on bail. However, at the same time, it can be seen that the Applicant continues to remain incarcerated from the date of his arrest and, down the line, for more than four years, even the charge is not framed. The Applicant cannot be kept incarcerated indefinitely pending the trial even though the offence with which he is charged is a serious one.

3. In the backdrop of the aforesaid circumstances, a request is made to the trial court to frame the charge within four months from today. If the charge is not framed within the aforesaid period, the Applicant will be at liberty to approach this court and renew his application for bail.

4. The Application is disposed of as withdrawn.

[SMT. BHARATI DANGRE, J.]