

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.192 OF 2021

Abhishek Dilip Gadekar Applicant

Vs.

The State of Maharashtra Respondent

Mr. Satyavrat Joshi i/by Mr. Rohit S. Shevte for Applicant
Ms. Sharmila S. Kaushik, A.P.P., for State-Respondent

Coram : NITIN W. SAMBRE, J.

Date : 23rd JULY, 2021

P.C.:

1 The submissions of Mr. Joshi, learned counsel appearing for the applicant are, the applicant is entitled to be released on bail in view of provisions of Section 29 of Code of Criminal Procedure, as the Magistrate is empowered to impose punishment of not more than three years.

2 According to him, the applicant has already undergone three years sentence, as such he is entitled for bail. Mr. Joshi would

also rely on provisions of Section 436-A of Code of Criminal Procedure, which provides for release of an accused pre-trial in case if he has undergone half of the sentence.

3 Admittedly, the punishment for the offence under Section 420 provided under the Indian Penal Code is 7 years and in such an eventuality, learned Judicial Magistrate, First Class can take recourse to the provisions of Section 325 of Cr.P.C.

4 As the ingredients of Section 436-A Code of Criminal Procedure are not satisfied and in view of provisions of Section 325 Code of Criminal Procedure, in my opinion, no case for bail is made out. The Bail Application stands rejected.

(NITIN W. SAMBRE, J.)