

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

CRIMINAL BAIL APPLICATION NO.681 OF 2020

Satish Madhukar Padekar ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr. Raviraj Paramane, for the Applicant.
Ms. P. N. Dabholkar, for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 21st JULY, 2022

P.C.

1. Mentioned.
2. Applicant is seeking regular bail after having suffered arrest on 13th April, 2018 for a serious offence punishable under Section 302 of IPC.
4. The charge till this date is not framed, as it is informed that since the proceedings for cancellation of bail are pending before the Sessions Court in relation to co-accused.
5. In this background, it is stated that Sessions Court be directed to proceed ahead with the said proceedings as there is no embargo ordered by this Court on the said issue.

6. As far as grant of bail on merit is concerned, I am informed that but for the present applicant/accused No.4, rest of the five accused were released on bail vide order dated 4th September, 2018 (accused Ketan Bhoir) and on 18th December, 2018 (accused Shubhaam Pansare) both these accused were released by orders this Court.

7. As far as Gulchand Dolas, Deepak Padekar and Mauli Gunjal are concerned, these three accused were ordered to be released by Sessions Court.

8. I am informed that the cancellation of bail application moved before this Court was withdrawn and fresh application for cancellation of bail application of all the three accused i.e. Gulchand Dolas, Deepak Padekar and Mauli Gunjal is pending.

9. As regards merit of the present case is concerned, the offence allegedly took place in dark hours post midnight. I am informed that the complainant (injured victim) though is eye witness to the incident, the Investigating Officer has not conducted any Test Identification parade. However, the Test Identification parade was as regards some other witness who is also claimed to be eye witness, has failed to identify the present applicant.

10. Leave apart above, there is statement of independent witness viz. Varsha Santosh Hulawale, Santosh Hulawale, Mayuresh Santosh Hulawale and Sunil Dagadu Hulawale were eye witnesses to the incident.

11. In the aforesaid background, in my opinion, it will be inappropriate to order release of the present applicant having regard to the nature of evidence available on record.

12. The application as such stands dismissed.

13. The charge be framed within period of twelve weeks from today.

14. Liberty to the applicant to apply afresh before the Sessions Court, once the charge is framed.

15. Needless to clarify that the Sessions Court shall deal with the prayer for grant of bail of the applicant having regard to the fact that the applicant has suffered incarceration for a period of more than four years as date of arrest of the applicant is 13th April, 2018 and also without being influenced by the pendency of cancellation of bail application of the other co-accused.

[NITIN W. SAMBRE, J.]