

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.728 OF 2020

Somnath Banshi Kale .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Mainak Adhikary for the Applicant.

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

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CORAM: BHARATI DANGRE, J.

DATED : 12th AUGUST, 2022

P.C:-

1. Heard learned counsel Mr.Mainak Adhikary, who came to be appointed to assist this Court, since the application was received through jail.

2. Leaned counsel has invited my attention to the application filed by the applicant, addressed to the Hon'ble The Chief Justice on 12/12/2019, wherein he alleged that he was arrested on 12/04/2019 and was taken into judicial custody on 20/04/2019. He states that there was a delay in filing the

charge-sheet and he requested the Court to provide the reasons for delaying it's filing. But, his application was not accepted nor he was heard by the Court and, therefore, he did not get the information. He seeks his enlargement on bail under Section 167 of Cr.P.C.

3. Learned counsel has produced before me the roznama dated 14/06/2019 in Special Case pending before the learned Additional Sessions Judge, Dindoshi and it reads as under :-

“Ld.APP Smt.Chauhan for the State present. Accused not produced from jail. Adv. for accused absent. Exh.1 Chargesheet filed. Cognizance of the offence punishable u/sec.376, 376(N), 506(2) of IPC and 6, 10 of POCSO Act taken against accused Somnath Bansi Kale. Issue process against accused. Adjd. for appearance to 28/06/2019.”

4. In the wake of the aforesaid noting in the roznama, it is apparent that charge-sheet is filed within a period prescribed for filing of the charge-sheet and it cannot be said that the applicant is entitled for default bail. The applicant is not entitled to avail the benefit of Section 167(2) of Cr.P.C., as the charge-sheet has been filed within a period of 90 days. The above order shall be communicated to the applicant/prisoner through the Jail Superintendent of Thane Central Prison.

The application stands disposed off.

5. Recording my appreciation to the learned counsel, who has assisted in the present application, the Legal Services Authority is directed to make the payment of legal remuneration to the learned counsel within a period of four weeks from today.

(SMT. BHARATI DANGRE, J.)