

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

932 ANTICIPATORY BAIL APPLICATION NO.405 OF 2023

GANESH JANARDHAN KAKDE
 VERSUS
 THE STATE OF MAHARASHTRA AND ANOTHER

...
 Advocate for Applicant : Mr. D.P. Palodkar
 APP for Respondent – State : Mrs. G.L. Deshpande
 ...

CORAM : R. M. JOSHI, J.
DATE : 4th JULY, 2023

PER COURT :

. Applicant is apprehending arrest in connection with Crime No.269 of 2017 registered with Sillod Rural Police Station, Tal. Sillod, Dist. Aurangabad for the offences punishable under Section 353, 379, 109 r.w. 34 of IPC and Section 130 and 177 of Motor Vehicles Act.

2. Learned counsel for applicant submits that the alleged motorcycle, which applicant was riding, was seized by the police and it is also returned to him. Thus, according to him, no custodial interrogation of the applicant is necessary.

3. Learned APP opposed the application and submitted that applicant while filing the application before the Sessions Court has suppressed the fact about the rejection of previous bail application and on this ground itself, he is not entitled to seek any relief.

4. To this submission, it is clarified by learned counsel for applicant that since the incident was occurred about 5 to 6 years back, out of inadvertence the said fact about filing of the earlier bail application was not mentioned and there was no intention on the part of applicant to suppress the said fact.

5. Even accepting the contention of learned APP to be true that there was a suppression of the fact before Sessions Court, however the prosecution was unable to show as to for what purpose custody of applicant is required. It is pertinent to note that the offence in question has occurred in the year 2017, the first bail application filed before the Sessions Court was entertained and rejected in May-2017 and therefore there is reason to believe to the justification given by learned counsel for the applicant that out of the inadvertence the said fact was not mentioned after six years thereof.

6. Considering the fact that charge-sheet has already been filed in the year 2018, this Court finds no reason for denying the liberty to the applicant, hence the following order.

ORDER

- (i) Application is allowed on same terms of the interim order dated 30.03.2023.

[R. M. JOSHI]
JUDGE

GGP