

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1742 OF 2025

Rambabu Devanandan Giri @ Sahil	...Applicant
<i>Versus</i>	
State of Maharashtra & Anr.	...Respondents

Mr. Sumit Gadling, for the Applicant.

Mr. S.S.Ghag, with Ms. Mahalakshmi Ganapathy, APP for the Respondent-State.

Mr. Aakash Bhopi, i/b Sumedh Modak, for the Respondent No.2.

Mr. Jagdish More, PSI attached to Andheri Police Station, present.

CORAM: R. M. JOSHI, J.

DATED: 1st APRIL, 2026.

PC:-

1. Learned Counsel for the Applicant submits that although a statement was made before this Court on 10th March 2026 that three witnesses are already been examined in this case, not a single witness is examined before the Trial Court till date. He places reliance on the copies of *Roznama* of the Trial Court proceedings.

2. The learned APP submits that he would communicate to the concerned APP, who made the said statement before this Court. (Kept Back at 3:00 p.m.)

3. Later on, Ms. Mahalakshmi Ganapathy, learned APP, causes appearance before this Court, stating that she does not recollect on whose instructions, the said statement was made before this Court. She tenders an apology for making the said statement and accepts that no witness has been examined till date.

4. The prosecutors, though represent the State, it is their responsibility, being officers of the Court, to be fair with the Court. Whenever any statement is made before the Court, the Court presumes the statement to be true, may be made by the advocate for the Accused or the learned APPs, as, they being the officers of the Court. If the Courts are required to cross-check/verify the statements made by the prosecutors, it would become impossible for the Courts to function. This Court deprecates the making of any such statement, may be on instructions, which are ultimately turned out to be false. The apology is accepted. It is however, clarified that henceforth, if any statement made, is found to be incorrect, action shall be initiated not only against the person, who gives instructions but also against the concerned APP, who makes such statement without verifying its correctness/authenticity.

5. Mr. Sumit Gadling, holding for learned counsel for the Applicant on record, seeks accommodation as the arguing counsel is held up before the Division Bench.

6. At his request, stand over to **8th April 2026**.

(R. M. JOSHI, J.)

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