

(2013) 09 BOM CK 0216

In the Bombay High Court

Case No : Criminal Bail Application No. 1366 of 2013

Akbar Wahid Khan

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 04-09-2013

Acts Referred:

Citation : (2014) 3 BomCR(Cri) 77

Hon'ble Judges : R.G. Ketkar, J

Bench : Single Bench

Final Decision : Disposed Off

Judgement

R.G. Ketkar, J.—Heard By this application, u/s 439 of the Code of Criminal Procedure, 1973, the applicant prays for enlarging him on bail in C.R. No. 1116 of 2011 registered with Bazarpeth Police Station, Kalyan u/s 302 read with section 34 Indian Penal Code, 1860 and also under sections 3 and 25 Indian Arms Act and u/s 37(1) read with section 135 of the Bombay Police Act.

2. Mr. Sapkale invited my attention to the earlier orders dated 25-7-2012 as also 24-4-2013. In paragraph 3 of the order dated 24-4-2013 it was recorded that charge was framed on 16-7-2013 and however till that date there was no progress in trial. Mr. Sapkale submitted that accused No. 3 who had prepared the sword and supplied it to accused No. 2 (applicant herein) was enlarged on bail. In paragraph 5 of the order, it was recorded that, the applicant was allowed to withdraw the Application No. 175 of 2013 with liberty to apply for bail after 4 months depending upon the progress of the trial. Mr. Sapkale submitted that after order dated 24-4-2013, the trial has not progressed in as much as the presiding officer is on leave and the Court is vacant. Mr. Sapkale submitted that having regard to the material against the applicant, at the highest the charge u/s 135 of the Bombay Police Act can be substantiated against him. The maximum punishment thereunder is of one year. The applicant is already in jail for two years. Ms. Mulekar was not in a position to controvert that submission.

3. In view of these submissions, the applicant is entitled to be enlarged on bail. The application is disposed of in the following terms :

(i) The applicant is enlarged on bail of Rs. 15,000/- with one or two sureties in the like amount.

(ii) The applicant shall report to the Bazarpeth Police Station, Kalyan once in a month during the pendency of the trial.

(iv) The applicant shall not commit offence similar to the offence of which he is accused.

(v) The applicant shall not directly or indirectly make any inducement threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Application disposed of.