

ITEM NO.37

COURT NO.4

SECTION IIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S). 7947/2015
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 10/04/2015
IN CRLBA NO. 1657/2014 PASSED BY THE HIGH COURT OF BOMBAY)

SAGAR TATYARAM GORKHE AND ANR

PETITIONER(S)

VERSUS

THE STATE OF MAHARASHTRA RESPONDENT(S)
[WITH APPLN.(S) FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED ORDER
AND EXEMPTION FROM FILING O.T. AND PERMISSION TO FILE THREE COPIES
OF ANNEXURE RESPONDENT NOS.1 TO 3 AND OFFICE REPORT]

WITH

SLP(CRL) NO. 7949/2015

(WITH APPLN.(S) FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED ORDER
AND EXEMPTION FROM FILING O.T. AND PERMISSION AND OFFICE REPORT)

Date : 03/01/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s)

Ms. Rebecca John, Sr. Adv.
Mr. Jawahar Raja, Adv.
Mr. Gautam Bhatia, Adv.
Mr. Chirmay Kumar, Adv.
Mr. Uday Manaktala, Adv.
Mr. Pukhrabam Ramesh Kumar, Adv.

For Respondent(s)

Mr. Nishant Ramakantrao Katneshwarkar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are allowed in terms of the signed order. Consequently, all pending applications are also disposed of.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.11 OF 2017
[Arising out of Special Leave Petition
(Criminal) No.7947/2015]

SAGAR TATYARAM GORKHE
AND ANR. . . . APPELLANTS

VERSUS

THE STATE OF MAHARASHTRA . . . RESPONDENT

WITH

CRIMINAL APPEAL NO.12 OF 2017
[Arising out of Special Leave Petition
(Criminal) No.7949/2015]

SACHIN MARUTI MALI @ SAMAR
@ SHIVA . . . APPELLANT

VERSUS

THE STATE OF MAHARASHTRA . . . RESPONDENT

ORDER

1. Leave granted.
2. We have heard the learned counsels
for the parties.

3. The present applications/appeals for bail is on behalf of the accused Nos.8, 10 and 11. Out of a total of 15 accused, 4 accused are absconding and of the remaining 11 accused, 8 have been released on bail by different forums including one accused by this Court by its order dated 4th May, 2016.

4. The charges against the accused are, undoubtedly, serious. However, as observed in the earlier order of this Court dated 4th May, 2016 such charges will have to be balanced with certain other facts like the period of custody suffered and the likely period within which the trial can be expected to be completed. In our previous order dated 12th July, 2016 passed in the present matter the statement made on behalf of the State that the trial would be completed within a period of six months has been recorded. We are informed today that

till date only one witness has been examined and that too his examination is also not over. The prosecution proposes to examine 147 witnesses. The accused appellants have been in custody close to four years.

5. In the above circumstances, we are of the view that the accused appellants should be granted the privilege of bail. We accordingly direct that the accused appellants be released on bail by the learned trial Court in connection with Sessions Case No.655 of 2011 arising out of CR No.19/11, PS, ATS Kalachowki, Mumbai. We also make it clear that the learned trial Court will consider and impose appropriate conditions subject to which the accused appellants will be released on bail in terms of the present order so as to ensure that the accused appellants are

available for trial. In this regard, the Public Prosecutor of the State would be at liberty to appear before the learned trial Court and suggest to the learned trial Court such conditions as may be considered fit and appropriate to be imposed subject to which the accused appellants will be allowed to go on bail in terms of the present order.

6. Consequently and in the light of the above, we allow the present appeals and set aside the order(s) of the High Court.

.....,J.
(RANJAN GOGOI)

.....,J.
(L. NAGESWARA RAO)

NEW DELHI
JANUARY 03, 2017