

ITEM NO.44

COURT NO.6

SECTION II-A

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).7168-7169/2017  
(Arising out of impugned final judgment and order dated 21-04-2017  
in ABA No. 332/2017 21-04-2017 in AN No. 348/2017 passed by the  
High Court of Judicature at Bombay)

DASHRATH GANGARAM JADHAV

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.84501/2017-CONDONATION OF DELAY  
IN FILING and IA No.84507/2017-EXEMPTION FROM FILING C/C OF THE  
IMPUGNED JUDGMENT and IA No.84500/2017-APPLICATION FOR PERMISSION  
TO FILE SLP and IA No.84510/2017-EXEMPTION FROM FILING O.T. and IA  
No.84506/2017-CONDONATION OF DELAY IN REFILEING)

Date : 23-03-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Mr.Sudeep Kumar, Adv.

Mr.Ashutosh Kr. Sharma, Adv.

Ms.Pallavi Pratap, Adv.

For Respondent(s)

Mr.R.P. Gupta, Adv.

Mr.Prashant Pandey, Adv.

Mr.Nishant Ramakantrao Katneshwarkar, AOR

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

Permission to file the special leave petitions is  
granted.

Delay condoned.

These special leave petitions are filed seeking  
cancellation of anticipatory bail granted to the respondent  
No.2 and 3. Insofar as respondent No.2 is concerned, it is  
pointed out that in connection with some other case he is  
already in judicial custody. Therefore, this matter needs  
to be seen qua respondent No.3 only.

We find that bail was granted to respondent No.3 by the High Court on 21<sup>st</sup> April, 2017. In the meantime, investigation has been completed and charge-sheet is filed. Therefore, in view of the aforesaid facts and circumstances, we are not inclined to interfere with the impugned order passed by the High Court at this stage.

It is, however, contended by learned counsel for the petitioner/complainant as well as the State of Maharashtra (respondent No.1) that respondent No.3 is threatening the witnesses and the Special Prosecutor. This fact is disputed by respondent No.3. These are the aspects which we are not inclined to consider. However, it would be open to the trial court to go into the said aspect after hearing the learned counsel for the parties. We make it clear that this Court has not expressed any opinion on the aforesaid allegations made by the complainant or the State. It would also be open to the respondent No.3 to demonstrate before the trial court that the allegations are false.

With the aforesaid observations, the special leave petitions are disposed of.

Pending applications, if any, also stand disposed of.

(Ashok Raj Singh)  
Court Master

(Mala Kumari Sharma)  
Court Master