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#BombayHighCourt is hearing the default bail application filed by Gautam Navlakha, accused in the #BhimaKoregaon case.

Bench of Justices SS Shinde and MS Karnik are hearing the plea.



Senior Advocate Kapil Sibal submits that this is a simple matter of bail to be decided on facts.

He claims that Navlakha was in custody for more than 90 days. He was under house arrest for some time before being taken into judicial custody.

Sibal submitted that Navlakha had surrendered on April 14 and spent 93 days in custody. He spent 34 days in custody before remand order of Magistrate.

Sibal points out that the nature of custody may have changed but it was arrest nonetheless and for this reason, he should be granted bail.

Additional Solicitor General SV Raju appearing for the NIA begins his submission.

He points out that the police had only arrested him and had not taken custody.

Raju argues that the another high court had declared his earlier arrest as non est and therefore he was neither in custody nor out on bail. He was a free man.

Sibal replies that arrest is a matter of law, custody is a matter of fact.

Since the court has to rise for lunch break, the Court asks Raju if he can continue after break.

Raju asks for 10 mins post 4.30 pm.

Matter will be taken at 4.30 pm.

ASG SV Raju continues his submissions.

He refers to the judgment of Chaganti Satyanarayan & Ors vs State Of Andhra Pradesh (Read here: https://t.co/T6DA4VkEGM)

He argues that the date of production is important. The period of custody for Navlakha begins from April 15.

Raju argues that there cannot be a gap in the custody and detention period.

Raju concludes his arguments.

Courts asks him to submit his written note of arguments.

Sr Adv Nitya Ramakrishnan begins her rejoinder to Raju's bail plea.

However since her audio is not clear through the video conference hearing, the Court asks her to submit a written note.

Court reserves the matter for judgment.

Grants one week for filing written notes of arguments.