

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2633 OF 2015

Narendra s/o Digambar Sapkale
(Sonwane)

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

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Mr. R.R.Mantri h/f Mr. R.R.Sancheti,
Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 20th JULY, 2015

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PER COURT :

1. This is an application for grant of bail. Applicant is arrested in connection with Crime No. 52/2012 registered with Nasirabad police station, District Jalgaon for the offences punishable u/s 302,201 of the Indian Penal Code.

2. Heard Mr. R.R.Mantri holding for Mr. R.R.Sancheti, learned counsel for the applicant and Mr. A.S.Shinde, learned A.P.P. for respondent – State.

3. The foremost submission of the learned counsel for the applicant is that the applicant is in jail since last three years and, therefore, he submitted that to have proper representation in Sessions Case No. 211/2012 pending on the file of learned Additional Sessions Judge, Jalgaon, he be released on bail.

4. F.I.R. is lodged by Pandurang Nathu Patil, who was Assistant Police Inspector since he noticed unknown fully burnt dead body. During the investigation, its identity was established and it was of Prashant Sonawane.

5. According to the prosecution case, present applicant used to reside along with his wife Laxmibai in the wada of one Ravindra, brother of the deceased. According to the prosecution, illicit relations were developed between the deceased and Laxmibai, on account of which Prashant was done to death.

6. It is to be mentioned that the Sessions Case has already commenced and the statement of witnesses are recorded. In that view of the matter, it will not be appropriate on the part of the Court to make any comment on the merits and de-merits of the prosecution case, since it will prejudice both the applicant as well as prosecution.

7. The submission of the learned counsel for the applicant that release of the present applicant on bail is necessary to defend himself properly, in my view is highly mis-

placed in view of the fact that the present applicant is represented by the Advocate of his choice in the Sessions Case. Further, the application for bail filed on behalf of the wife of applicant is rejected by this Court on 17/02/2015 [M.T.JOSHI,J.].

8. Learned Additional Sessions Judge has also given detail report as to why there is delay in the trial. Thus, it is absolutely clear that though all the efforts are being taken by the Additional Sessions Judge for the disposal of the trial, as enumerated in the report, delay is caused. May be that can not be attributed to the present applicant, however fact remains that the trial has already commenced and some of the witnesses of the prosecution are already examined.

9. In that view of the matter, present application deserves no consideration and hence it is dismissed.

10. It is expected from the learned trial court to dispose of the sessions Case as expeditiously as possible. However, parties are also directed to extend their fullest co-operation to the learned Additional Sessions Judge.

[V.M.DESHPANDE, J.]