

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 463 OF 2015**

Bhajansingh Hakamsingh Labhana

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Mohammed Umar Kazi for the Applicant

Ms. A. T. Javeri, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

TUESDAY, 17TH MARCH, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. This is the second bail application. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-203 of 2012 registered with the Ulhasnagar Police Station, Thane District, for the alleged offences punishable under Sections 302, 307 of the Indian Penal Code.

3. The incident in question has taken place on 23rd September, 2013 at about 3:30 p.m. It is alleged by the prosecution that the injured Dinesh Daneja was having illicit relations with the deceased i.e. the applicant's wife, as a result of which, the incident took place. According to the eye-witnesses, the applicant tried to assault Hitesh with a knife. As he was about to assault Hitesh, the applicant's wife intervened, as a result of which, Hitesh managed to escape from the clutches of the applicant. It is alleged that the applicant caused multiple injuries on the person of his wife with the knife. Thereafter, the applicant chased the injured and also assaulted him with the knife. The complaint has been lodged by the father of the injured Hitesh.

4. Learned Counsel for the applicant states that despite the order dated 29th October, 2014 passed in Criminal Bail Application No.2086 of 2014, till date, charge has not been framed as against the applicant/accused. He submits that despite the direction vide the said order to the learned Sessions Judge to make an endeavour to conclude recording of evidence within nine months from the date of framing of charge, the same has not been complied with. Learned A.P.P opposed the bail application.

5. Perused the charge-sheet. *Prima facie*, there are serious allegations as against the applicant. There are eye-witnesses to the said incident. The applicant has assaulted and caused several injuries to his wife with the knife as well as to the injured Hitesh. There is recovery of the knife at the instance of the applicant. Considering the material on record, this is not a fit case to enlarge the applicant on bail. The application is accordingly dismissed.

6. The learned trial Court shall, however, conduct the case on its own merits, uninfluenced by the observations made herein. The trial Court shall also make an endeavour to expeditiously conclude the trial.

REVATI MOHITE DERE, J.