

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 925 OF 2015

Sachin Ram Patole .. Applicant

v/s.

State of Maharashtra ..Respondent

Mr. P.G. Sarda for the applicant

Mr. J.H. Ramugade, APP for the respondent State

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 20th NOVEMBER, 2015.**

P.C.

1. This is an application for bail, filed by the aforesaid applicant, who is the one of the accused in Sessions Case No.449 of 2013.

2. The learned Counsel for the applicant has submitted that the co-accused has been granted bail by order dated 7th April, 2015 and that the applicant is entitled for bail on the ground of parity.

3. The learned APP for the State has contested the said

application on the ground that the application for bail has already been dismissed by this Court.

4. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties. The records *prima facie* reveal that the applicant herein is facing trial for the offence under Sections 302, 326, 341, 143, 147, 148 and 149 of the IPC.

5. The bail application being Criminal Application No.1616 of 2013 was dismissed by this Court by order dated 14th October, 2013, wherein it was observed that the first informant and the witnesses had identified the present accused as one of the assailants and there is *prima-facie* material against him. The subsequent Bail Application No.2329 of 2014 was dismissed as withdrawn. The applicant has not been able to point out any change in the fact situation since the rejection of the said bail application vide order dated 14th October, 2013. The only ground

raised by the learned Counsel for the applicant herein is that though the charge was framed in the year 2014, till the date the trial has not commenced.

6. It may be mentioned that the delay in commencement of trial is only one of the factors to be considered in grant of bail. Suffice it to say that the delay cannot be the sole ground for grant of bail. The other factors to be considered in an application for bail are (i) whether there is any *prima facie* or reasonable ground to believe that the accused has committed the offence (ii) nature and gravity of the charge (iii) severity of the punishment in the event of conviction and (iv) danger of the accused absconding etc.

7. In the instant case, as stated earlier this Court has already held that there is *prima facie* material to show the involvement of the applicant in the alleged crime. The offence alleged is of serious nature, which has adverse impact on societal interest. Hence, in the absence of any change in the fact situation, the applicant is not entitled for bail solely on the ground of delay.

8. Hence, the application is dismissed.

9. Considering that the applicant is in custody since 02.02.2013, the trial is expedited. The learned Sessions Judge to dispose of the case as expeditiously as possible and possibly within a period of one year from the date of the receipt of the order.

(ANUJA PRABHUDESSAI, J.)