

Criminal Application No. 4669 of 2016

Jitesh Onkar Ahire,
Age : 40 years,
Occupation : Labour,
R/o. Panduran Colony,
Arvi,
Taluka & District : Dhule. .. Applicant.

The State of Maharashtra,
Through Dhule Taluka
Police Station,
Dhule. .. Respondent.

Mr. S.D. Kaldate, Addl. Public Prosecutor, for
the respondent.

DATE : 22ND SEPTEMBER 2016

The applicant / accused in Crime No. 266/2013 registered with Dhule Taluka Police Station, District Dhule, for offences punishable under Sections 302, 307, 498A, 323, 504 and 506 of the Indian Penal Code, by this application, is seeking

his release on bail.

2. Heard the learned Counsel for the applicant / accused. He argued that for some time, the applicant was released on temporary bail and he did not violated terms of that bail. The learned Counsel further argued that the trial is fixed for arguments and there is no possibility of its conclusion in the near future. The learned Judge is busy in some other matter which is bulky in nature. The learned Counsel further argues that the applicant also seeks bail on medical ground.

3. It is a trite that personal liberty cannot be taken away except in accordance with procedure established by law. It is a constitutional guarantee. However, Article 21 of the Constitution, which guarantees the above right, also contemplates deprivation of personal liberty by procedure established by law. Under the Criminal Law, a person accused of an offence which is of non-bailable in nature, is liable to be detained during pendency of the trial unless he is enlarged on bail in accordance with law. Such detention can never be questioned as being violative of Article 21 of the Constitution of India.

4. In the case in hand, the prosecution case is to the effect that the applicant had committed murder

of his wife by incinerating her. The trial is reportedly over inasmuch as only arguments are required to be heard and therefore this is not a fit case to release the applicant / accused on bail. However, considering the fact that recording of evidence of prosecution witnesses is over since long, the trial Court is expected to hear the arguments and deliver the judgment as expeditiously as it can be. Even Section 309 of the Code of Criminal Procedure mandates this.

5. Hence, I pass the following order :-

The Application for bail is rejected with further direction to the learned trial Court to decide the Sessions Case arising out Crime No. 266/2013 registered with Dhule Taluka Police Station, District Dhule, within a period of one month from the date of receipt of writ of this Court.

6. The Application stands disposed of accordingly.

(A.M. BADAR)
JUDGE

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