

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

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL BAIL APPLICATION NO.2039 OF 2015**

**KUMAR BABASO KAMBLE )...APPLICANT**

**V/s.**

**THE STATE OF MAHARASHTRA )...RESPONDENT**

Shri Kedar J. Patil, Advocate for the Applicant.

Shri V.B.KondeDeshmukh, APP for the Respondent - State.

**CORAM : ABHAY M. THIPSAY, J.**

**DATE : 11<sup>th</sup> APRIL 2016.**

**P.C. :**

1 Heard Shri Kedar J. Patil, the learned counsel for the applicant. Heard Shri V.B.KondeDeshmukh, the learned APP for the State.

2 The applicant's previous application for bail was rejected by me (Bail Application No.846 of 2014, decided on 26<sup>th</sup>

June 2014). While rejecting the same, it was observed that the co-accused have been released on bail. The case of the applicant was different from that of the co-accused, who were released on bail. It was observed that the applicant had, allegedly, given a blow in the chest of the deceased and had also assaulted one Avadhoot alias Aaudumber. It was also observed that the knife used by the applicant for the assault had been recovered at his instance, during the course of investigation. It was, after concluding, that there existed a prima facie case of a serious offence against the applicant, that the application came to be rejected.

3           The learned counsel for the applicant is unable to point out anything, by which, the view of this court that there exists a prima facie case of a serious offence against the applicant, can be changed. The only aspect that is material is that quite sometime has passed since the rejection of the application and that the trial has not yet commenced.

4           However, after hearing the learned counsel for the applicant, it appears that the applicant does not intend to raise any grievance about the delay in trial, and that, he does not seek an order directing the trial to be expeditiously held.

5           Considering the seriousness of the offence, I am not able to hold that just because the applicant has remained in custody for a period of three years, he should be released on bail. The trial, however, needs to be expedited.

6           The application is rejected.

7           The trial court shall proceed with the trial expeditiously, and endeavour to complete it within a period of 9 months from today.

**(ABHAY M. THIPSAY, J.)**