

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 752 OF 2016

Avinash Arjun Sabale	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Priyal G. Sarda, Advocate for the applicant.
Mrs. A.A. Mane, APP for the respondent/State.
Mr. S.M. Rondhe, P.S.I., Panvel city Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
(In Chamber)
DATE: **4th July, 2016.**

P.C.:

This is a third Bail Application, as first Bail Application No. 1723 of 2013 of this accused was rejected on 28th November, 2013. The second Bail Application No. 952 of 2014 was rejected on 22nd August, 2014. The ground made for the third Bail Application is that the incident has taken place on 30th April, 2013 and the applicant/accused was arrested on 3rd May, 2013, since then the applicant, who is 22 years old boy, is behind the bar.

2. The learned counsel for the applicant/accused relied on the judgment of Hon'ble Supreme Court in the case of Bal Krishna Pandey vs. State of Uttar Pradesh, reported in (2003) 12 SCC 186. In that case, initially the offence was registered under sections 307, 323 and 504 of

Indian Penal Code. The accused died 10 days after the incident of assault. The charge was not framed for 1½ year, so that was one of the grounds to release the accused on bail. However, it appears in paragraph 6 of the judgment that the Hon'ble Supreme Court has considered the medical evidence and the material available on record.

3. In the present case, after going through the FIR, it shows that the deceased himself has given the FIR. He was badly assaulted and died on the same day. The charge is not framed for 3 years is definitely a serious matter. However, it is a case under section 302. Considering the injuries on the body of the deceased and the manner in which he was attacked as mentioned in the FIR, I am not inclined to use the discretionary power at this stage. However, the learned Principal District Judge, Alibag Court is directed to look into the matter and see that the charge is to be framed as early as possible and the concerned Judge to proceed with the matter.

4. Application for bail is rejected.

(MRIDULA BHATKAR, J.)