

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

CRIMINAL BAIL APPLICATION NO. 2518 OF 2015

Prashant @ Pravin Navanath Rikbe. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Viresh V. Purwant, advocate for Applicant.

Mr. Rajan Salvi, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : NOVEMBER 21, 2016**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 2/6/2014 in Crime No. 80/14 registered at Pangri Police Station, Taluka Barshi, District- Solapur for offence punishable under section 302, 120B, 143, 147, 148, 149 of the Indian Penal Code.

3 It is the case of the prosecution that on 31/5/2014 Somnath Bhimashankar Gawade lodged a report at Pangri Police Station alleging therein that he was residing alongwith his brother Ramling in the same house, but they were having separate residences. That on 31/5/2014 the friends of his nephew Nagesh, Dinesh and the present applicant had been to his house and called upon his nephew Nagesh. That Nagesh accompanied them on the motor cycle of Dinesh Kore. On the same day in the evening, the complainant learnt that his nephew Nagesh was murdered near the sugar factory. At the time when he reached the spot the police were conducting inquest panchanama. It was apparent on the face of the record that Nagesh died a homicidal death. In fact, he had left the house in the company of the present applicant. The investigation is completed and charge-sheet is filed on 30/8/2014.

4 The compilation of the charge-sheet would indicate that there are eye witnesses to the incident and they have all categorically stated

that the applicant is one of the person who was instrumental in causing homicidal death of deceased Nagesh.

5 The learned APP has submitted that in the present case, the charge is framed and hence, it can be inferred that the trial has commenced. Taking into consideration the compilation of charge-sheet, more particularly, the ocular evidence, which is direct evidence against the applicant and the fact that the trial has commenced, this Court is not inclined to consider the application for grant of bail.

6 It is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of trial. The learned Sessions Judge is further requested to make an endeavour to expedite the trial as far as possible.

7 The application being sans merits stands rejected and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)