

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2056 OF 2016**

Yuvraj Govardhan Chavan

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Vaibhav Ugle for the Applicant.

Mr. Prashant Jadhav, APP for the Respondent -State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

**DATED: 31st January, 2017.
(In Chamber)**

P.C.:

This is an application for bail filed by the aforesaid Applicant, who is facing trial in Sessions Case No.239 of 2015 pending on the file of District and Sessions Judge, Nashik for the offences punishable under sections 302, 498 A, 523, 504 and 506 of the Indian Penal Code.

2. Heard the learned counsel for the Applicant and the learned APP for the Respondent -State. I have perused the records, the previous bail application being criminal bail application No.1969 of 2015 filed by the Applicant was dismissed on merits by order dated 16th November, 2015. The only change in circumstance which has been

urged by the learned counsel for the Applicant is delay in conducting the trial. It is to be noted that the findings recorded in the previous bail application prima facie indicate that the Applicant is involved in committing murder of his wife. The offence is of serious nature and in fact, is a crime against the society. Under such circumstances, the mere fact that the trial has not commenced cannot be a ground for grant of bail.

3. It is true that the accused has a right of speedy trial. Nevertheless judicial note has to be taken of the fact that the trial courts are over burdened and heavy pendency of cases makes it impossible to decide the cases expeditiously. In such facts and circumstances a fine balance has to be maintained keeping in mind the rights of the accused as well as of the victim and societal interest at large. Considering the gravity of the offence and the societal interest at large, in my considered view the Applicant herein cannot be enlarged on bail solely on the ground that there is delay in trial. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)