

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

CRI. APPLICATION (FOR CANCELLATION OF BAIL) NO.20 OF 2016

Gajanan Jayram Dharawane

..Applicant

Vs

State of Maharashtra & Anr.

.. Respondents

...

Mr. R. D. Suryawanshi for the Applicant.

Ms. P. N. Dabholkar, APP for the State.

Mr. Mohammed Kazi for Respondent No. 2.

CORAM : A. S. GADKARI, J.

DATE : 23 FEBRUARY 2018.

PC. :

1. This is an application for cancellation of bail granted to the Respondent No. 2 by District Judge-3 and Additional Sessions Judge, Kalyan, in Bail Application No.1210/2015 by its order dated 28.09.2015.

2. Heard the learned counsel for the Applicant, the learned counsel for the Respondent No.2 and the learned APP. Perused the record.

3. The Respondent No. 2 is an accused in CR. No.I-78/2017 registered with Kinhavali Police Station, Shahapur punishable under Section 498 (A), 306, 302 of the Indian Penal Code. The record indicates that on the basis of First Information Report lodged by the Applicant initially a crime under Section 498 (A) read with Section 306 of the Indian Penal Code was registered against the Respondent No. 2.

That during the course of investigation it was found that it is a case of murder of victim Mrs. Harshala @ Madura and therefore Section 302 of the Indian Penal Code has been applied to the present crime. That the Respondent No.2 was arrested on 24.06.2015. The learned Trial Court by the impugned order dated 28.09.2015 was pleased to release him on bail.

4. The perusal of impugned order indicates that, the trial court while releasing the Applicant on bail has taken into consideration the various aspects giving rise to the lodgment of the present crime. The trial court has further observed that, as the investigation is completed and charge-sheet has been filed, there is no propriety to keep the Respondent No. 2 behind the bars for indefinite period. The impugned Order is passed on 28.09.2015 and there is no report of breach of any of the condition imposed upon the Respondent No.2 till today.

5. After perusing the impugned Order, this Court is of the view that, there is no error either in law or facts committed by the trial court while granting bail to the Respondent No. 2.

6. Application is accordingly rejected.

7. It is submitted by the learned counsel for the Applicant that though the crime is of the year 2014 and the police have submitted charge-sheet in the month of September 2015, the trial pertaining to the

present crime has not yet commenced. In view thereof the learned Additional Sessions Judge, seized of the trial arising out of CR. No.I-78/2014, registered with Kinhavali Police Station, Taluka Shahapur, District Thane, is hereby requested to expedite the trial of the said case and to make an endeavor to conclude the same within a period of one year from the date of receipt of the present order.

8. Application is rejected with aforesaid direction.

(A. S. GADKARI, J.)