

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 157 OF 2018**

Anil Appasaheb Bisure

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Chetan S. Damre I/b Mr. Ramanik Prakash Pawar for the Applicant

Mr. Rajan Salvi, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 16th JULY 2018

P.C. :

1 Heard learned counsel for the parties.

2 This is the second bail application. The first application being Criminal Bail Application No. 2376 of 2016 was withdrawn by the learned counsel appearing for the applicant, after arguing for some time.

3 By this second bail application, the applicant seeks his enlargement on bail in connection with C.R. No. I-102 of 2016 registered with the Kavathemahankal Police Station, Sangli for the alleged offences punishable under Sections 302, 143, 147, 148, 149, 323, 504, 506 r/w 34 of the Indian Penal Code.

4 Learned counsel for the applicant submits that despite the trial having been expedited, the trial has not commenced till date. He submitted that the present application has been filed as the trial has not commenced and in view of the liberty granted by this Court vide order dated 10th April 2017 to file a fresh application, if the trial did not conclude within nine months, for no fault of the applicant.

5 Learned A.P.P opposed the application. Learned A.P.P has filed an affidavit of Sachin Nakul Vasmale, PSI attached to Kavathemahankal Police Station, Sangli. According to the learned A.P.P, as the other accused are not interested in conducting the matter and have cited their personal difficulties, the trial could not proceed. He submits that the applicant and other accused will be produced from jail on every date given by the trial Court.

6 Perused the papers. The complainant-Vinayak Hange is an eye-witness to the incident of assault, by the applicant on his brother-Akshay Hange (deceased). According to the complainant, the incident took

place on 16th May 2016 at about 4:30 p.m. The complainant has alleged that there was some altercation between the applicant and others on the one hand and his father on the other at about 4:00 p.m, which came to be resolved, after which, the parties dispersed. He has further alleged that at about 4:30 p.m, the applicant came to their house armed with a koyta along with co-accused Ranjeet, Vilas, Shamrao, Baliram, Tanaji. He has stated that the applicant assaulted his brother-Akshay on his hand and when he tried to escape, assaulted him on his head, resulting in serious injuries. A perusal of the post-mortem report shows that Akshay had suffered as many as eight injuries including a sutured chop wound over his left hand starting from dorsal surface of hand 3 cm lateral to the web space of thumb, a sutured chop wound over right hand, starting from the palmar aspect, from medial end of thenar eminence; as well as an injury on the head. The cause of death is stated to be the 'head injury'. The other co-accused have been enlarged on bail, considering the role assigned to them i.e. they are alleged to have instigated the applicant to assault Akshay.

7 Considering the role of the applicant and the manner in which the applicant assaulted Akshay (deceased) and the injuries caused to

Akshay, this is not a fit case to enlarge the applicant on bail. There are eye-witnesses to the incident and as such the possibility of tampering with the witnesses cannot be ruled out. Accordingly, the application is rejected.

8 The learned A.P.P assures this Court that the Reserve Police Inspector, Police Head Quarters, Sangli, will produce the applicant before the learned Sessions Judge on the dates given by the Court. Statement accepted. The trial has already been expedited. The learned Judge shall dispose of the said case as expeditiously as possible.

9 It is made clear that the observations made herein are *prima facie*, and the learned Sessions Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.