

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

**BAIL APPLICATION NO. 613 OF 2017**

Kishor Sampat Phalake & ors. ... Applicants.  
Versus  
The State of Maharashtra. ... Respondent.

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Mr. Ranjeet V. Sangle i/b. Mr. Hitesh B. Sangle, advocate for Applicants.

Mr. Y.M. Nakhwa, APP for State.

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**CORAM : SMT.SADHANA S. JADHAV,J  
DATE : JANUARY 30, 2018**

**P.C.:**

1 The applicants here are arrested on 28/6/2015 in Crime No. 85 of 2015 registered at Koregaon Police Station for offence punishable under section 307, 141, 143, 147, 148, 149 of the Indian Penal Code and 3(25), 4(25), 30 of Arms Act.

2 Prima facie it was a case of cross-complaint and the counter FIR i.e. Crime No. 86 of 2015 for offence punishable under section 307 of the Indian Penal Code was registered against the group of

complainant by one of the members of the group of present applicants. Despite that the charge-sheet in Crime No. 86 of 2015 was not filed till December, 2017. Only after High Court had directed the investigating agency to take registration of Crime No. 86 of 2015 to its logical end by filing report under section 173 of the Code of Criminal Procedure, 1973, the applicants herein had filed an application under section 439 of the Code of Criminal Procedure, 1973 before the Sessions Court on two occasions and one of the contention was that Crime No.86 of 2015 pertains to the same incident, in which the applicants have been arrested and hence, it would be necessary to conduct trials in Crime Nos. 86 of 2015 and 85 of 2015 either simultaneously or one after another by the same court since the Investigating agency in both the crime is by the same authority. The charge is framed on 6/6/2016 and it would not be a happy situation that the trial has in fact not commenced although the charge is framed one and half year ago. Now that the charge-sheet is filed in Crime No.86 of 2015, charge be framed in Crime No.86 of 2015 on or before 20/2/2018. The learned Sessions Judge shall make every

endeavour to conclude recording of evidence on or before 31/7/2018. With these directions, the application stands disposed of.

**(SMT. SADHANA S. JADHAV,J)**