

nsc.

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

CRIMINAL BAIL APPLICATION NO.1537 OF 2017

Deepak Dashrat Tate	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.J.A.Khan, for the Applicant.

Ms.J.S.Lohokare, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 20th MARCH, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.155 of 2016 registered with the N.M.Joshi Marg Police Station, Mumbai, for the alleged offences punishable under Sections 307, 506(2) r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant submitted that the applicant has been falsely implicated in the aforesaid case. He submitted that the

applicant is in custody since 21st July, 2016 and that the possibility of the trial commencing in the immediate near future is bleak.

4. Learned APP opposed the application. She submitted that there are almost 26 cases, registered as against the applicant. Learned Counsel for the applicant states that out of the aforesaid cases, the applicant has been acquitted in 90% of the cases.

5. Perused the charge-sheet. It appears that prior to the incident dated 20th July, 2016, a similar attempt was made at the behest of the applicant on the complainant-Navin Parmar in April, 2015. In the said incident of April, 2015, the complainant-Navin was assaulted by an unknown person, at the behest of the applicant, by a chopper, causing a grievous injury to his right eye. In the said case, the applicant was enlarged on bail i.e. in C.R.No.142 of 2015. Whilst on bail, the present incident has taken place. According to the complainant-Navin, the applicant assaulted him with a broken glass bottle, on 20th July, 2016, on his head and again as he was about to assault for the 2nd time, the complainant-Navin, ran from the spot. The injury certificate shows that the complainant-Navin had

sustained a bleeding injury on his head and that he has given a history of assault by known person, with a beer bottle.

6. Considering the fact, that it was the second attempt on the complainant-Navin, at the behest of the applicant and in the 2nd incident, the applicant himself was involved in the assault, this is not a fit case to enlarge the applicant on bail. If the applicant is enlarged on bail, the possibility of the applicant again assaulting the complainant-Navin or threatening or intimidating the complainant-Navin and other witnesses, who have seen the incident, cannot be ruled out. It also appears that the applicant has several antecedents.

7. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail.

8. Accordingly, the application for bail is rejected and disposed of as such. However, the trial of the applicant is expedited. The learned Judge to conclude the trial as expeditiously as possible and preferably within 12 months from the date of receipt of this order. If the said trial

does not conclude within the aforesaid period, for no fault of the Applicant, the Applicant is at liberty to file a fresh application seeking his enlargement on bail, which will be considered on its own merits.

9. It is made clear that the observations made herein are prima facie for deciding the aforesaid application, and the learned 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.)