

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2262 OF 2018

SANDIP KALYAN DWIVEDI)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.R.R.Varma a/w. Mr.Sanket Thorat, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 24th OCTOBER 2018

P.C. :

1 The applicant/accused in Crime No.265 of 2015 registered with Police Station MIDC, Bhosari, for the offence punishable under Section 302 of the Indian Penal Code, by this application, is seeking his release on bail during pendency of the trial. This is second bail application of the applicant/accused. His earlier bail application filed after filing of the charge-sheet was rejected by this court on 22nd June 2016 vide order in Criminal Bail Application No.739 of 2016.

2 Heard the learned counsel appearing for the applicant/accused. He argued that though three years have lapsed after the date of the alleged incident, as yet the trial has not started and the applicant/accused who is a young boy, is languishing in jail undergoing pretrial detention. It is further averred that the eye witness was not in sound state of mind and he was under intoxication of liquor. What was recovered is a handle. Therefore, the applicant/accused is entitled for bail.

3 The learned APP opposed the application by contending that as the earlier bail application is rejected on merits of the matter after filing of the charge-sheet, the application deserves to be rejected and the trial can be expedited.

4 I have considered the submissions so advanced. After rejection of the first bail application on merits and that too after filing of the charge-sheet, it is not possible to enter into merits of the prosecution case which is for the offence punishable under Section 302 of the Indian Penal Code. However, considering the

fact that though charge-sheet was filed on 6th February 2016, as yet the trial has not commenced, the same can be expedited.

Therefore, the order :

ORDER

- i) The application is rejected.
- ii) However, the learned trial court is directed to take up the trial of the subject crime and complete it within the period of eight months from the date of this order.
- iii) With this order, the application stands disposed off.
- iv) Parties to act on authenticated copy of this order.

(A. M. BADAR, J.)