

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2369 OF 2018**

Santosh @ Appa Namdeo Kolpe	...Applicant
Versus	
The State of Maharashtra	...Respondent
.....	
Mr. Priyal G. Sarda for the Applicant.	
Mr. N.B. Patil, AGP for the Respondent -State.	

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 12th DECEMBER, 2018

P.C.:-

Not on board. Taken on board.

2. This is the third application under Section 439 of the Cr.P.C. filed by the aforesaid Applicant, who is facing trial in Sessions Case No.165 of 2013 pending on the file of the Sessions Court, Pune, for offences punishable under Sections 120B, 143, 147, 148, 149 and 302 of the Indian Penal Code, 1860.

3. The case of the prosecution in brief is that on 7.11.2012 the Applicant along with the other co-accused formed an unlawful assembly armed with deadly weapons and committed murder of Vinayak Kadam. Shri Shivaji Kadam, the father of the deceased lodged the FIR pursuant to which the Raigad Police Station registered Crime No.169 of 2012 for the offences punishable under Sections 143, 147,

148, 149 and 302 of the IPC. The Applicant was arrested on 16.11.2012. Crime was investigated and chargesheet was filed before the learned JMFC, Pune. The case being Sessions Triable was committed to the Sessions Court, Pune. The Applicant had filed application for anticipatory bail which came to be dismissed by the learned Additional Sessions Judge order dated 21.2.2015. Hence the present application.

4. The previous bail application filed by the Applicant being B.A. No.1154 of 2015 was dismissed on merits by order dated 3rd February, 2016. The Applicant has filed second bail application No.1829 of 2016. The said application was dismissed by this Court by order dated 15th March, 2017 holding that there is no change in circumstances to entertain the second bail application. However, directions were given to make endeavour to expedite the matter.

5. Mr. Sarda, the learned counsel for the Applicant submits that the Applicant is languishing in jail since 2012 and that despite directions the trial is not concluded.

6. The only ground for filing subsequent bail application is

delay in conducting and concluding the trial. It is to be noted that the learned APP has placed on record copy of the letter dated 12th December, 2018 received from API, Rajgad Police Station, stating that evidence of 10 witnesses has been recorded and 10 to 12 witnesses are yet to be examined. He has stated that the trial would be concluded within a period of about 2 months. Considering the above statement, in my considered view this is not a fit case for grant of bail only on the ground of delay in conducting the trial.

7. Hence, the application is dismissed. The learned Trial Judge to endeavour to dispose of the matter as early as possible and in any event within a period of three months from the date of receipt of copy of this order.

(SMT. ANUJA PRABHUDESSAI, J.)