

Anand

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

BAIL APPLICATION NO. 802 OF 2019

Akshaya @ Bokya Sanjay Jawale .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Govind B. Solanke, Advocate, for the Applicant

Mrs. P. P. Shinde, APP, for the Respondent – State

Mr. P. M. Shinde, Head Constable, Kalyan Taluka Police Station present

CORAM : REVATI MOHITE DERE, J.

DATE : 26.07.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks her enlargement on bail in connection with C. R. No. I-356 of 2018 registered with the Kalyan Taluka Police Station, Thane (Rural), for the alleged offence punishable under Section 302 r/w 34 of the Indian Penal Code.

3. Perused the papers. The incident in question has taken place on 17.09.1998. The complaint is lodged by the father of the deceased – Faiyaz i. e. by Alam @ Guddu Mehendi Hasan. According

to the eye witness – Ravindra @ Pappu Ramsingh Jaiswar, he was present with the deceased – Faiyaz when the incident took place. He has set out in detail how there was a quarrel between Faiyaz and his cousin – Shabaj Riyaz Khan and that after the said incident at about 11.00 p. m., when he and Faiyaz were near the Gaondevi Mandir, a motor cycle came and that co-accused – Golu and his friend came alongwith Shabaj Khan. He has stated that co-accused – Shabaj Khan told co-accused – Golu and his friend that these were the persons i. e. Faiyaz and Ravindra had assaulted him, pursuant to which Golu's two friends (including the Applicant) assaulted him and the deceased. He has further stated that the said two persons i. e. the present Applicant held Faiyaz and co-accused – Golu assaulted him with a sharp weapon on his neck, pursuant to which Faiyaz fell on the ground. Faiyaz was taken to the hospital, however, before admission, he was declared dead. The statement of Alam @ Guddu is also recorded under Section 164 of the Cr.P.C. and he re-iterates the same. The Applicant has one antecedent i.e. case registered with the Kalyan Taluka Police Station (C. R. No. 21 of 2018) under Sections 325, 341, 324, 323, 506, 142, 144 of the Indian Penal Code.

4. Considering the aforesaid, this is not a fit case to enlarge

the Applicant on bail. Hence, the Application stands rejected. However, the trial of the Applicant is expedited. If for no fault of the Applicant the trial does not commence within a period of nine months, the Applicant is granted liberty to file a fresh Application which will be considered on its own merits.

(REVATI MOHITE DERE, J.)