

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1050 OF 2019**

Samarbahadur @ Pintu Mahabal Yadav	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Rakesh Singh for the Applicant

Mr. A. R. Kapadnis, A.P.P for the Respondent-State

API Mr. Gorakhnath Gharge from Kurar Police Station, Mumbai, is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 18th JUNE 2019

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. 157 of 2010 registered with the Kurar Police Station, Mumbai, for the alleged offence punishable under Sections 307 and 452 of the Indian Penal Code; under Sections 325 and 27 of the Arms Act and Sections 135 of the Maharashtra Police Act.

3 Perused the papers. According to the prosecutrix, the incident took place on 29th June 2010. The complainant-Sachin Sawant in his complaint dated 29th June 2010 has specifically named the applicant as being one of the assailants who had come to the spot and was armed with a weapon like revolver. It appears that the said FIR was lodged against three named persons i.e. applicant and two other unknown persons. Since the applicant was absconding, the trial proceeded as against the two unknown persons resulting in the acquittal of the said two unknown persons. The applicant was apprehended on 28th August 2018 in the aforesaid C.R.

4 Learned A.P.P, on instructions, states that the applicant is a history sheeter and has two antecedents i.e. C.R. No. 94 of 2010 for the alleged offences punishable under Sections 326, 307, 34 of the IPC and another C.R. No. 46 of 2010 for the alleged offence punishable under Sections 326, 323, 34 of the IPC. Considering the *prima facie* material *qua* the applicant and the fact that the applicant was absconding for eight years, this is not a fit case to enlarge the applicant on bail. Application is rejected. However, the trial is expedited.

5 The learned Judge shall conclude the case as expeditiously as possible and in any event, within 12 months from the date of receipt of this order.

6 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.