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

***CRIMINAL BAIL APPLICATION NO.1442 OF 2018
(THROUGH JAIL)***

Atish Vishnu Patil	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Ratnesh Dube, Appointed Advocate, for the Applicant.

Mr.S.S.Hulke, A.P.P for the Respondent - State.

Senior PI – Kamble, Protection and Security, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 30th JULY, 2019

P.C. :

1. Pursuant to the order dated 5th July, 2019, directing the learned Sessions Judge, to decide the applicant's bail application, the learned Judge has decided the same and has rejected the applicant's bail application.

2. By this application filed through jail, the Applicant seeks his enlargement on bail in connection with C.R.No.406 of 2014 registered with the Borivali Police Station, Mumbai, for the alleged offence punishable under Section 302 of the Indian Penal Code.

3. Perused the papers. The prosecution case rests on circumstantial evidence. According to the prosecution, the incident took place on 10th October, 2014. The complainant is the son of the deceased. According to the complainant, on 10th October, 2014, he had gone to the house where his father was staying. According to the complainant, as the house was locked, he knocked the door, however, as his father did not open the door, he (complainant) kicked the door and saw his father lying in the pool of blood and that the applicant was sitting in the said room. It appears that the applicant had consumed liquor. According to the statement of one Suresh Kharvi, the applicant was initially with him and that he and the applicant had consumed liquor and that thereafter, the applicant had gone to the house of the deceased. The statements of the witnesses – Chetana Ghadshi, Geeta Patel, Jyati Ghadshi and Miradevi Yadav, reveal that they had seen the complainant coming out of the house shouting that his father was killed and he had brought the applicant alongwith him from the said room. The arrest panchanama shows that the applicant's clothes were stained with blood and so also his hands and legs. It appears that the applicant has three antecedents.

4. Considering the material as against the applicant, this is not a fit case to enlarge the applicant on bail.

5. Hence, 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 in any event within 9 months from the date of receipt of this order.

6. 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.

7. High Court Legal Services Committee to award fees of the learned Appointed Advocate, as per Rules.

REVATI MOHITE DERE, J.