

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

CRIMINAL BAIL APPLICATION NO. 1733 OF 2018

Sagar Harilal Rathod	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. Anant Vadgaonkar for the applicant.
Mr. S.R. Agarkar, APP for the Respondent-State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 25th JANUARY, 2019.

P.C.

1. This is an application for bail in connection with C.R. No. I-104 of 2017 registered with Narpoli Police Station for the offence punishable under Sections 302, 307, 324, 452 read with 34 of Indian Penal Code and Section 37(1) and Section 135 of Maharashtra Police Act.

2. The case of the prosecution that on 12th March, 2017, informant Rajkumar, his brothers and others had slept in their room. At about 11.30 p.m. they heard noise. So they all got up and came out of their room. They noticed that Sagar, Vijay, Aakash and Avinash were found playing cards in front of the house of Dineshkumar. He had obstructed them. Hence, there was quarrel. At about 11.45 p.m. deceased Rajan went out for

answering nature's call. Accused knocked the door. They broke open the door and entered into the house. Vijay Rathod assaulted Rajkumar Shilpakar by means of knife on his neck and hands. Aakash had assaulted Rajkumar by wooden stick, whereas applicant/accused Sagar had assaulted Rajkumar by iron bar. Accused Avinash assaulted Shivkumar, Raju, Rampratap and Sureshkumar by wooden stick. Meanwhile, Rajan Shilpakar was returning back to room. At that time, accused Vijay had stabbed him on his chest, back and waist by knife. Aakash, Sagar and Avinash assaulted him by means of iron bar and wooden stick. Injured were referred to Civil Hospital, Thane. Rajan Shilpakar succumbed to injuries.

3. Learned counsel for the applicant submits that applicant is in custody for more than two years. Injuries reflected in the inquest panchanama and the postmortem report did not support the prosecution case as far as role assigned to the applicant. Medical evidence does not support the prosecution case. Injuries which are found on the person of the deceased are not possible by iron rod. It is submitted that applicant is in custody since last two years and he is 19 years old boy.

4. Learned APP strongly opposed the application for bail.

Specific overt act has been attributed to the applicant. He has assaulted injured as well as deceased.

5. On perusal of the chargesheet, it is apparent that applicant has participated in assaulting the injured as well as deceased. Applicant allegedly used iron rod in assaulting the deceased as well as injured. The assault has resulting injuries to injured and death of victim. Submission advanced by the learned counsel for the applicant cannot be considered at this stage. Hence, application for bail is required to be rejected. However, considering the fact that applicant is in custody since last two years. Trial Court is directed to make an endeavour to complete the trial expeditiously within a period of nine months from the date of receipt of order. In the event trial is not concluded within nine months, applicant will be at liberty to prefer fresh application for bail.

6. Criminal Bail Application is rejected and disposed off.

(PRAKASH D. NAIK, J.)