

Anand

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

BAIL APPLICATION NO. 2459 OF 2018

Kumar Bhimsingh Chavhan .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. A. I. Nizami i/b. Mr. Mohammad Umar Kazi, Advocate, for the
Applicant

Mr. A. R. Kapadnis, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 27.06.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 538 of 2015 registered with the Manpada Police Station, Mumbai, for the alleged offences punishable under Sections 302, 120B, 201, 143, 147, 148, 149 of the Indian Penal Code, under Section 4(25) of the Arms Act and under Section 37(1), 135 of the Maharashtra Police Act.

3. Perused the papers. It appears that on 25.09.2015, Ganesh

(deceased) insulted the Applicant's brother – Santosh Chavhan. According to the Complainant - Jamuna, pursuant to the said incident dated 25.09.2015, Santosh assaulted her brother – Ganesh with a chopper and Ramesh Pawar assaulted her brother with a knife. The Applicant has been specifically named by the complainant, in her 164 statement. A specific role / overt act has also been attributed to the Applicant by the Complainant i. e. of assault by chopper on Santosh's back. There are other eyewitnesses namely Naushad, Bali, Jayaswal and other who have witnessed the assault by the accused, including the Applicant on Ganesh. There is recovery of a chopper at the instance of the Applicant.

4. Prima facie, considering the material qua the Applicant, this is not a fit case to enlarge the Applicant on bail. Accordingly, the Application stands rejected. Since the Applicant is in custody for the last four years, the trial of the Applicant is expedited. The learned Sessions Judge to conclude the case as expeditiously as possible and in any event within a period of 12 months from the date of receipt of this order. All parties to co-operate in the conduct of the trial.

(REVATI MOHITE DERE, J.)