

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO.2491 OF 2018

Digambar @ Bandu Bhagwan Chandane,  
Age 29 years, Occ.Labourer, R/o.Kolegaon,  
Tal.Murbad, Dist.Thane.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Vinay J. Bhopatrao for applicant.

Mrs.G.P.Mulekar, APP, for State.

Mr.A.S.Ghanghav, PSI, Murbad Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 5<sup>th</sup> March 2019

PC :

1. The applicant is seeking bail in CR No.I-43 of 2011 registered with Murbad Police Station for offences under Sections 302, 120B r/w 34 of Indian Penal Code.

2. The case of prosecution is that the son of first informant was brutally assaulted by accused by weapons. He succumbed to the injuries. The deceased had sustained 14 injuries. The applicant has allegedly assaulted him by giving blow of sword.

3. Learned counsel for applicant submits that the applicant has been falsely implicated in this case. There are several infirmities in the statements of prosecution witnesses. The applicant is in custody for a period of about eight years. Although trial has commenced, it is not concluded. The last witness was examined in September-2017. Learned counsel also submitted that there are infirmities in the evidence of witnesses adduced by prosecution. Learned counsel for applicant submitted that supplementary charge sheet was filed

against accused no.4 and the same is yet to be merged with the case as the charge sheet was already filed.

4. Learned APP, however, submitted that the prosecution has so far examined six witnesses and the prosecution intends to examine about four more witnesses. It is submitted that the accused were detained in different jails. However, the Trial Court has directed that all of them be detained at one place which would facilitate the prosecution to produce them before Trial Court. It is further submitted that the prosecution would proceed with trial expeditiously. Learned APP further submitted that eye witness who has been examined by prosecution, has attributed specific role to the applicant.

5. Since the trial has already commenced and the prosecution has already examined six witnesses and four witnesses are to be examined, it would not be appropriate to appreciate the evidence which is adduced before Trial Court. Considering the evidence recorded by the Trial Court and the fact that trial has already commenced, bail cannot be granted to the applicant. However, the Trial Court is directed to conclude the trial expeditiously.

6. Accordingly, Bail Application No.2491 of 2018 is rejected. The Trial Court is directed to complete the trial within six months from today. The prosecution and defense shall not delay the proceedings and shall co-operate with the Trial Court in speedy disposal of case.

(PRAKASH D. NAIK, J.)