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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3416 OF 2019

Swapnil Devidas Bhadavale

....Applicant

V/s.

State of Maharashtra

....Respondents

Mr. Hrishikesh Mundargi i/b Mr. Rohan Hogle for the Applicant
Mr. A. A. Palkar APP for the State.

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CORAM : NITIN W. SAMBRE, J.

DATE: SEPTEMBER 4, 2020.

P.C.:

Case of the applicant is, on 26/11/2016, he was arrested in crime no. 443 of 2016 for offence punishable under Sections 302,182,494 of the Indian Penal Code and under Sections 37(1) (3) (c), 135 of Bombay Police Act and under Section 4 (25) of Indian Arms Act.

2] According to the learned counsel, for more than three and half

years of his arrest, charge is not framed. According to him, even the report of the Chemical Analyzer is not yet produced before the Court below and that being so, he is entitled for bail on the ground of delay in concluding the trial.

3] This Court on two occasions has rejected the prayer for bail moved by the applicant. The detailed order dated 28/08/2017 passed by Co-ordinate Bench [(Coram: R. V. Nalawade, J.) as he then was dealing with the matter] gives sufficient reasons for rejecting the prayer.

4] Apart from above, on 15/02/2019, this Court noted that there are no change in circumstances and as such, rejected application. Prayer for grant of temporary bail was dealt with by this Court on 15/02/2019.

5] As far as the issue of non production of the report of the Chemical Analyzer from Forensic Science Laboratories is concerned, in my opinion, it will be appropriate to direct the Deputy Director,

Forensic Science Laboratories to submit the report in the Court below, if not already submitted within period of 12 weeks from today.

6] As far as other contentions are concerned, viz. delay in framing charge and merits of the matter, in my opinion, no case for grant of bail is made out as there is sufficient material available on record to prima facie connect the applicant's involvement in the crime in question. This Court cannot be oblivious to the presumption as provided under Section 106 and 113 (B) of the Evidence Act particularly when death of the victim in the case in hand is within period of 6 months from the date of marriage and at the residential place of the Applicant.

7] As such, application stands rejected.

[NITIN W. SAMBRE, J.]