

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 158 OF 2021**

Rajendra Dattatray Bhinge
v/s.

.... Applicant

The State of Maharashtra

.... Respondent

Mr. Aniket U. Nikam i/b. Mr. Nihal Mansuri for the Applicant.

Mr. N.B. Patil, APP for the State.

Mr. Vikrant Phatate for the Intervenor.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 30th NOVEMBER, 2021.

P. C. :-

. This is the 3rd Bail Application filed by the aforesaid Applicant who is facing trial in Sessions Case No.174/2017 pending on the file of Sessions Court, Sangli for offences punishable under sections 143, 147, 148, 323, 504, 506 and 120-B r/w. 149 of the Indian Penal Code.

2. The 1st Bail Application bearing No.2518/2017 was withdrawn simplicitor whereas 2nd Bail Application bearing No.1823/2018 was withdrawn after arguing the matter for some while and when it was expressed that it was not a fit case for grant of bail.

3. Mr. Aniket Nikam, learned counsel for the Applicant states that the Applicant is in custody since the year 2017 and that the trial has

not yet commenced.

4. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

5. The aforesaid crime was registered pursuant to the First Information Report (FIR) lodged by Prasad Anil Nirmale. The FIR prima facie reveals that on 17/04/2017, the deceased Namdev Bhoite, the Applicant herein and Nana Zadbuke were proceeding from Pandharpur towards Sangli by a Swift Desire car bearing no.MH-45-A-3454. On the way, there was an argument between the Applicant and the deceased over payment of money. After halting at Sangli for about an hour and on their return journey, the first informant heard the Applicant herein talking to someone on the phone and asking “whether it should be done before Kolhapur”. The Applicant thereafter forcibly took the driver’s seat. He stopped the vehicle on Pandharpur road – Harshingh Phata. When the first informant and the deceased and the other occupants of the car got down from the vehicle to answer nature’s call, two unknown persons came from another vehicle. These persons, who were armed with weapons stabbed Namdev Bhoite. The first informant has stated that the Applicant herein had told him not to shout and threatened to cause his death if he raised an alarm.

6. The statement of Prabhakar @ Nana Jagannath Jhadbuke also prima facie shows the involvement of the Applicant in commission of the crime. Said Namdeo Bhoite succumbed to the injuries. The post mortem report indicates that the deceased had sustained 31 injuries in the nature of chop wounds, stab injuries and incised wounds. The injuries were on vital parts of the body. The Doctor has opined that the death of said Namdev was because of shock due to multiple injuries.

7. The offence is of serious nature. It is on record that the Applicant has criminal antecedents. Three cases are registered against him at Pandharpur City Police Station which are pending. Considering the nature and seriousness of the offence, the evidence in support thereof as well as the criminal antecedents of the Applicant, in my considered view, this is not a fit case for grant of bail.

8. Hence, the Application is rejected. However, considering the fact that the Applicant is in custody since 2017, the Trial Court is requested to expedite hearing of the case and dispose of the same as expeditiously as possible.

(SMT. ANUJA PRABHUDESSAI, J.)