

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

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BAIL APPLICATION NO.811 OF 2021

Dnyandev Dattatray Patil alias Raju
Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. E.A. Sasi for the Applicant.

Mr. Pradeep Gharat, Spl. PP for the Respondent-State.

Ms P.N. Dabholkar, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 15th SEPTEMBER, 2021.

P.C.:-

This is an application for bail filed by the aforesaid Applicant, who is facing trial in Sessions Case No.396 of 2019 on the file of Additional Sessions Judge, Panvel, District -Raigad at Alibag.

2. The Applicant and the other co-accused are facing trial for offences punishable under Sections 302, 323, 364, 496, 504 201, r/w 34 of the IPC.

3. The case of the prosecution in brief is that accused No.1 with the help of other co-accused had caused death of Ashwini Bidre, cut her body into pieces, kept into a refrigerator and later disposed of the same

in Vasai Creek.

4. The Applicant herein had filed the previous bail application No.1313 of 2018, which was dismissed by this Court by order dated 28/09/2018. Reasons for dismissal have been spelt out in paragraphs 8 to 13 of the order. Since the Applicant was in custody, directions were given to the learned Sessions Judge to expedite the trial and conclude it within a period of one year. The present application is filed mainly on the ground of delay in the trial. Lnd Counsel for the applicant submits that considering the number of witnesses cited, it will not be possible to conclude the trial within a reasonable time.

5. Mr. Gharat, learned Special PP has urged that the delay is not attributable to the prosecution. He therefore contends that the Applicant is not entitled for bail on the ground of delay.

6. It is true that the delay in the trial often infringes the right to speedy trial. Hence this court, while rejecting the previous bail application, had directed the sessions court to expedite the trial. It is however to be noted that subsequent to the said order there was national lock down due to Covid-19 pandemic. The records, more particularly the Roznama, which has been placed on record, indicates

that the trial has commenced and efforts are being made to conclude the trial expeditiously. The records reveal that the trial has been adjourned on several dates , but this was mainly due to the absence of witnesses or at the request of the co-accused. There is no deliberate attempt to delay the trial and to frustrate the right of the accused for speedy trial. Considering the gravity and heinousness of the crime and balancing the right of speedy trial vis-à-vis societal interest, in my considered view, this is not a fit case to grant bail solely on the ground of the delay.

7. The Application is therefore dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)