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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1578 OF 2019

LAXMIKANT @ CHANDRAKANT
DIGAMBAR DESALE

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Mr. Sagar Tambe appointed advocate for the Applicant
Mrs. Rutuja Ambekar APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: 30th OCTOBER, 2021.

P.C.:

1] This Court has requested Mr. Sagar Tambe to appear for the applicant so as to assist the Court as the present application is received through jail.

2] Learned counsel Mr. Tambe has gone through copy of charge-sheet which is made available by learned APP.

- 3] Heard respective counsel.
- 4] Applicant came to be arrested in C.R. No. 261/2016 registered with Taluka Police Station, Malegaon, Nashik for offence punishable under Sections 302, 307, 201 and 34 of the Indian Penal Code.
- 5] Prosecution case is, complainant a rickshaw driver was murdered by the applicant out of earlier enmity.
- 6] Learned counsel for the applicant submits that there is unexplained delay in concluding the trial which entitles the applicant to be released on bail.
- 7] Learned APP based on charge-sheet has opposed the prayer. She submits that there is strong evidence connecting the applicant to the crime.
- 8] With the assistance of Mr. Tambe, I have perused the contents

in the complaint which is treated as dying declaration which has specifically named the applicant with an aggravated serious overt act. Witnesses namely Ganesh Bhosale and Balu Sonawane speak of involvement of the applicant. Deceased was forced to accompany the applicant can be inferred from the statement of Leelabai who is mother of deceased. As such, there is strong prima facie case against the applicant.

9] Apart from above, this Court on earlier occasion has rejected the prayer of the applicant for grant of bail vide order dated 26/04/2017 in BA No. 930/2017.

10] That being so, present application stands rejected.

11] Learned counsel Mr. Tambe be paid admissible professional fees.

[NITIN W. SAMBRE, J.]