

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

BAIL APPLICATION NO. 2607 OF 2019

Babalu @ Vishnu Vasant Gavali

..Applicant

v/s.

State of Maharashtra

..Respondent

Mr. Kuldeep Patil i/b. Saili N. Dhuru for the Applicant.

Mr. Yogesh Dabke APP for the State.

Mr. Nilesh Tribhuvan i/b. White & Briefs Advocates & Solicitors
for the Intervenor.

CORAM : ANUJA PRABHUDESSAI, J.

DATED : APRIL 05, 2021.

P.C.

1. This is a second bail application filed by the Applicant who has been arrested in Crime No.158 of 2016, registered with Lashkar Police Station, Pune for the offences punishable under Section 307, 143, 147, 149 and 120(b) of IPC and Section 3, 25 of the Arms Act and Section 37(1) r/w. 135 of the Maharashtra Police Act.

2. Heard Mr. Kuldeep Patil, ld. Counsel for the Applicant. He submits that the Applicant was also injured in the same incident and that FIR has been registered against the first informant and others in the present case. Learned Counsel for the Applicant states that

the said FIR has been investigated and report has been filed under Section 169 of Cr.P.C. which is pending before the JMFC, Cantonment, Pune. It is to be noted that the said FIR has not been lodged against the injured in the present case, and moreover the same was lodged after the arrest of the Applicant in C.R.No.158 of 2016.

3. While dismissing the previous bail application, this Court had taken into consideration the statement of the injured as well as the statements of other eye witnesses and held that the material on record prima facie indicates that the Applicant was armed with pistol and he had fired a gunshot. The medical evidence also indicates that there was entry as well as exit wound on the lateral part of the jaw and there was shattered fracture of lower jaw. Upon considering the material on record, this Court had opined that the material on record prima facie indicates that the applicant was involved in committing a serious offence. The Court had also taken into consideration the criminal antecedents of the Applicant. It was noted that Crime No. 157 of 2014 was registered against the Applicant for offence under Section 143, 147, 307, 326 r/w. 149 of IPC and Crime No.171 of 2014 was registered for offence under Section 394, 427 r/w. 34 of IPC and Section 4(25) of Arms Act.

Counsel for the Applicant also concedes that the Applicant has been convicted for offence under Section 302 IPC. He however submits that appeal is pending before this Court. Nevertheless, considering the nature of the offence, as well as the criminal antecedents, in my considered view, this is not a fit case for grant of bail solely on the ground that there is delay in conducting the trial.

4. It is stated that charge has already been framed. There are 7 eye witnesses. Considering this aspect and considering the fact that the Applicant is in custody since 2016, the learned Judge is directed to dispose of the case as expeditiously as possible, and in any event within a period of one year from the date of receipt of this order.

(ANUJA PRABHUDESSAI, J.)