

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application (BA) 133/2021

Milind Dethe V State of Maharashtra

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Mr. P.W. Mirza, Advocate for applicant.
 Mr. R.J. Shinde, Advocate for Intervenor.
 Mr. M.K. Pathan, APP for State.

CORAM : ROHIT B. DEO, J.
DATE : August, 04, 2021.

The applicant is seeking bail in connection with Crime 931 of 2018, registered with Police Station Arni, District Yavatmal, under Sections 302, 307 read with section 34 of the Indian Penal Code (for short, 'I.P.C.').

2. The thrust of the submissions canvassed by the learned Counsel Mr. Parvez Mirza is that, even according to the injured witness, it was the deceased who started the altercation and inflicted a slap on the father of the applicant, and therefore even if it is assumed that the applicant retaliated, the charge under Section 302 of the I.P.C. would not be brought home after the trial commenced. Lest the accused or the prosecution is prejudiced, I am consciously refraining from making a positive observation on the submission.

3. However, since I am not inclined to grant bail, and brief reasons shall have to be indicated, it is noted that according

to the prosecution witnesses, and apart from the injured witness/informant there are other eye witnesses, the applicant was armed with knife, which he whipped out and inflicted as many as 14 stab injuries on the deceased, even after the deceased collapsed.

4. Considering the material on record, no case for grant of bail is made out, although the applicant is in custody since 14-01-2018 and the submission is that he has no criminal antecedents.

5. Having so observed it would be necessary to ensure that the detention is not rendered a pre-trial punishment.

6. It is stated that the charge is framed.

7. The trial Court is requested to complete the trial as expeditiously as possible, and in any event within the next six months.

8. If the trial is not completed within the next six months, the applicant shall be at liberty to renew the request for bail which shall be considered on its own merits.

JUDGE