

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 588 OF 2022

Shri. Rajan @ Raju Subhas Pawar ...Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Sukaumar Ghanwat, for the Applicant.

Mr. P.H. Gaikwad-Patil, APP, for the Respondent/State.

Mr. Jaykumar Sopan Gondse, API, Miraj Rural Police Station, present.

CORAM : N.R. BORKAR, J.

DATE : 08TH DECEMBER, 2022.

PC. :

This is an application under Section 439 of the Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No. 314 of 2019 registered at Miraj Rural Police Station for the offences punishable under Sections 302, 307, 143, 147, 148, 149 read with 34 of the Indian Penal Code.

3. The deceased was the son-in-law of the present applicant. There was a matrimonial dispute between the deceased and his wife (the daughter of the present applicant). According to the prosecution

thus on 20/06/2019, the present applicant and other co-accused came to the house of the deceased and assaulted him by spear, axe and stone and committed his murder. According to the prosecution, in addition to the deceased the present applicant and other co-accused had also assaulted to the brother of the deceased, when he tried to save him from the alleged assault.

4. The learned counsel for the applicant submits that the version of the alleged eye witnesses is not consistent. It is submitted that the applicant is in jail for more than three years and the trial is not likely to conclude in near future. It is, thus, submitted that applicant be released on bail.

5. I have perused the charge-sheet. According to the eye-witnesses, the present applicant assaulted the deceased by axe and then by stone. Perusal of post-mortem report shows multiple stab and incised wounds. Considering the overall facts and circumstances of the case, I am not inclined to release the applicant on bail. However, considering the fact that the applicant is in jail for more than three years, the trial Court shall endeavor to conclude the trial as early as possible. If the trial is not concluded within a period of nine months, then the applicant is at liberty to move an application for bail, before the trial Court.

6. The application is disposed of in above terms.

[N.R.BORKAR, J.]