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Mr. Amit Palkar, APP for the State.

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DATED : 12 DECEMBER 2022

P.C. :-

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 132 of 2019 registered at Ashta Police Station, Sangli for the offence punishable under Sections 302, 504 r/w. 34 of Indian Penal Code and Sections 4, 25 of the Arms Act, 1959.

3. According to the prosecution, on 8th October 2019 at about 7.45 p.m. the present applicant and other co-accused assaulted the deceased by sword, knife and stone and committed his murder on account of previous enmity.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant submits that the incident is not premeditated. It is submitted that the applicant is in jail for more than three years. It is submitted that considering these facts, the applicant may be released on bail.

6. I have perused the charge-sheet and more particularly, the statement of eye-witnesses. The present applicant initially assaulted the deceased by sword and when he fell down the present applicant had picked up a stone and thrown on his chest. The deceased died at the spot of incident itself. Considering the facts and circumstances, I am not inclined to release the applicant on bail.

(i) Application is rejected.

(ii) However, as the applicant is in jail for more than three years, the trial Court shall endeavour 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 file bail application before the trial Court.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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