

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

CRIMINAL BAIL APPLICATION NO. 2319 OF 2021

Akash @ Sandeep Dinesh Kumar Pandey ...Applicant
Versus
The State Of Maharashtra ...Respondent

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Mr. Akhilesh Singh i/by Mr. Neetu Singh, Advocate for the Applicant.

Mr. Arfan Sait, APP for the Respondent – State.

Mr. Ahire, (PSI) Bhandup Police Station, Present.

CORAM : **PRAKASH D. NAIK, J.**
DATE : **28th MARCH, 2022.**

PER COURT:

1. This is second application for bail in C.R. No.285 of 2017 registered with Bhandup Police Station, Mumbai for offence punishable under Section 307 r/w Section 309 of Indian Penal Code (for short "IPC"). The applicant was arrested on 15th July, 2017.

2. The case of the prosecution is that on 27th June, 2017, the applicant had stabbed the victim on her abdomen. The mother of victim noticed the said incident and scolded the applicant for assaulting the victim. The applicant also inflicted injuries to himself. The victim has alleged that, she had refused the proposal of the applicant and out of frustration he had assaulted him. While

rejecting the application by order dated 12th February, 2019 it was observed that, considering the manner in which the victim was assaulted and the motive for committing crime, no case for grant of bail is made out. However, trial was expedited. The trial has commenced. The prosecution has so far examined 8 witnesses.

3. Learned Advocate for the applicant submitted that the applicant is in custody for a period of about 4 years & 8 months. The trial is not yet concluded. The applicant cannot be kept in custody for indefinite period. He has undergone custody for substantial period of time. He is in custody from 15th July, 2017.

4. Learned APP submitted that the previous application for bail was rejected on merits. The incident is of serious nature. The prosecution proposes to examine 6 more witnesses. He tendered the report submitted by learned prosecutor appearing in the trial Court. The report is taken on record. It is submitted that, on 8th February, 2022 Medical Officer was present for evidence but defence Advocates was absent and the matter adjourned for evidence on two dates. The copy of the rojnama dated 24th March, 2022 is placed on record. On instructions it is submitted that the outer limit which may be required for concluding the trial for a period of three months. The trial Court may be directed to

conclude the trial expeditiously.

5. It is noted that the applicant is in custody from the date of arrest. However, the trial Court is now proceeding with the trial regularly. The evidence of 8 witnesses is recorded and 6 more witnesses are yet to be examined. It is also noted that the case of the prosecution is that the accused had assaulted the victim girl. It appears that the accused was frustrated on account of refusal of proposal by the victim.

6. Considering these circumstances, I pass the following order :-

ORDER

- i.** Bail Application No.2319 of 2021 is rejected;
- ii.** It is expected that the trial Court would conclude the trial within a period of three months from the date of receipt of this order;
- iii.** In the event the trial is not concluded within three months, the applicant is at liberty to move fresh application for bail;
- iv.** The defence shall cooperate with the trial Court to conclude the trial expeditiously.
- v.** The registry shall communicate this order to the trial Court immediately.

(PRAKASH D. NAIK, J.)