

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1752 OF 2020

Rahule @ Prakash Balaso Kumbhar	..Applicant
v/s.	
The State of Maharashtra	..Respondent.

Mr. Satyvrat Joshi i/b, Mr. Nitesh J. Mohite for the Applicant.
Mr. M.R. Pethe , APP for the Respondent-State.
API. Ganesh S. Jhanjare Shirala Police Station District-
Sangli.

CORAM: VINAY JOSHI, J.
DATED : 21th APRIL,2022.

P. C.:

1. The applicant is seeking regular bail in Crime No. 144 of 2020 registered with Shirala Police Station, District-Sangli for the offence punishable under section 302 of Indian Penal code.
2. The bail is claimed on the ground of innocence false implication inadequacy of evidence etc. Besides that it is stated that the applicant is suffering from mental ailment. The state resistant bail by pointing incriminating material.
3. At the instance of First Information Report lodged by daughter-in-law of deceased crime was registered. The informant stated that the applicant is hereby resident

who used to quarrel and threaten them by suspecting black magic. It is reported that on the date of occurrence applicant took deceased Tukaram from his working place at secluded place and then dead body of Tukaram was found. Perusal of charge sheet disclosing that there is evidence of last seen together of two consistent witnesses. They stated that on the date of occurrence they have seen applicant taking away deceased with him on Motorcycle.

4. Pertaining to note that on the following date itself dead body was found lying in pool of blood. There is evidence above extra judicial confession made by the applicant. After registration of First Information Report the house of applicant was searched from which a speed having blood stains was seized. Learned APP pointed out that as per CA report, blood of deceased matches with the seized weapon.

5. The applicant's learned counsel took me through various documents to show that the applicant was mentally unfit and was taking treatment for prolonged period. It is a matter of defence at the time of trial. The case is based on circumstantial evidence. Prima facie

various circumstances are existing against applicant. It is informed that trial court has already framed charge. In view of that it is not a fit case to exercise discretion. Hence following order:-

ORDER

- (a) Applicant stands rejected.
- (b) The trial court is requested to expedite the trial and conclude the same within six months from today.
- (c) The above observations are made on prima facie basis which has no impact on the merits of trial.

(VINAY JOSHI, J.)