

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3446 OF 2021

Ramzan Gafoor Bagwan ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Ujwal R. Agandsurve for the Applicant.

Mr.R.M. Pethe, APP for the Respondent –State.

CORAM : C.V. BHADANG, J.

DATE : 2 FEBRUARY 2022
(Through Video Conferencing)

P.C.

. Heard the learned counsel for the parties for
sometime.

2. The learned counsel for the Applicant has pointed
out that out of the total six accused five accused have already
been released on bail and the Applicant is only one who is in
custody.

3. The learned Additional Public Prosecutor pointed
out that there is a role attributed to the Applicant of an assault by
knife on the stomach of the injured. The learned Additional
Public Prosecutor also pointed out that there is a recovery of knife

from the Applicant and therefore the Applicant cannot claim parity with the other co-accused.

4. Mr. Agandurve, the learned counsel for the Applicant in all fairness submitted that the Applicant is not claiming parity. However, it is pointed out that there is a single blow alleged and injured recovered within a period of 8 days and therefore *prima facie* in the submission of the learned counsel the offence under Section 307 of IPC is not made out.

5. In the alternative, the learned counsel for the Applicant submitted that the trial be expedited as the charge is already framed.

6. In my view the application cannot be favorably considered at this stage. Considering the submissions made by the learned counsel for the parties and the fact that the charge is already framed, the Criminal Application is disposed of at this stage. The trial is expedited.

7. Liberty to the Applicant to renew the request for bail after a period of six months, if there is no substantial progress in the trial.

C.V. BHADANG, J.