

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

BAIL APPLICATION NO. 2714 OF 2022

Karan @ Baban Dadasaheb Holkar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Nagesh Y. Chavan for the Applicant.

Mr. V.B. Konde-Deshmukh, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 30 NOVEMBER 2022

P.C. :-

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

2. The applicant came to be arrested in Crime No. 190 of 2020 registered at Kavathemahankal police station for the offence punishable under Section 302, 307, 354, 323, 143, 148, 149, 188 of Indian Penal Code.

3. According to the prosecution on 02.05.2020 the present applicant and other co-accused assaulted the deceased by sword, axe, and sticks and committed his murder on account of previous dispute.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent-State,

5. The learned counsel for the applicant submits that witnesses have not attributed any overt act to the present applicant. It is

submitted that the present applicant was also injured in the alleged incident and same is not explained by the prosecution. It is submitted that the applicant is in jail for more than two years and the trial is still at the stage of framing of charge. It is submitted that considering the facts and circumstances the applicant may be released on bail.

6. On the other hand the learned APP for the respondent-State submits that there are eye-witnesses who have stated that the present applicant assaulted the deceased by sword. It is submitted that the deceased was brutally assaulted. It is submitted that considering the role attributed in the present applicant in the alleged offence, he may not be released on bail.

7. I have perused the statement of eye-witnesses. According to the eye-witness the present applicant assaulted the deceased by sword. It further appears that the present applicant even assaulted the first informant and his mother. Considering these facts, I am not inclined to release the applicant on bail. The Application is rejected.

8. The trial Court shall, however, considering the fact that applicant is in jail for more than two years, endeavour to conclude the trial as early as possible.

(N.R. BORKAR, J.)