

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.3839 OF 2021**

Vikas @ Gogya Suresh Gaikwad ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr.Ashraf Ali Shaikh a/w.Rai Danawala for applicant.

Mr.P.H.Gaikwad APP for the State.

Mr.Sandesh D.Sawkar ASI, Lonawala City Police Stn.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 25th NOVEMBER, 2022.

P. C. :-

1. This is an application under Section 439 of Cr.P.C. by applicant facing trial in Sessions Case No.145/2016 pending on the file of Additional Sessions Judge, Wadgaon, District Pune for the offences punishable under Section 302, 363, 364, 201, 342, 201 and 120B of the Indian Penal Code.

2. Heard Mr.AShraf Ali Shaikh, learned counsel for applicant and Mr.P.H.Gaikwad learned APP for the State. Perused the records, and considered the submissions advanced by the

learned counsel for the respective parties.

3. The case of the prosecution is that during the intervening night of 18/7/2015 and 19/7/2015 the applicant alongwith other co-accused committed murder of one Akshay @ Sonya Shripal Gaikwad. The previous Bail Application No.2576/2017 filed by the applicant dated 12/1/2018 was dismissed on merits. The applicant has filed the present application on the ground of delay and parity. Learned counsel for the applicant states that the co-accused whose application was earlier dismissed has been granted bail by the Court (Coram: Shri.Sarag G.Kotwal,J). A perusal of the said order dated 12/9/2022 reveals that the co-accused has been granted bail mainly on the ground of delay of trial.

4. Learned APP states that charge has been framed and one witness has been examined. Learned APP further makes the statement that the prosecution will examine total 17 to 18 witnesses and that endeavour will be made to conclude the trial within 6 to 7 months. Considering the gravity of the offence and

also in view of the statement made by learned APP, I am not inclined to grant bail to this applicant. Hence, the application is dismissed.

5. The applicant is in custody since long. The learned Sessions Judge, is directed to conclude the trial within 7 months. Copy of this Order be sent to Additional Sessions Judge, Wadgaon, District Pune.

(SMT. ANUJA PRABHUDESSAI, J.)