

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**BAIL APPLICATION NO.2646 OF 2022**

|                           |   |    |            |
|---------------------------|---|----|------------|
| Yogeshkumar Mahipal Singh | ] | .. | Applicant  |
| vs.                       |   |    |            |
| State of Maharashtra      | ] | .. | Respondent |

Mr.Uday Warunjikar, for the Applicant.

Ms.P.N. Dabholkar, APP for the State.

**CORAM : BHARATI DANGRE, J**

**DATE : 22<sup>nd</sup> DECEMBER, 2022.**

**P.C.**

1] This is the second Bail Application filed by the Applicant, the first being permitted to be withdrawn on expressing my disinclination to entertain it on 08.09.2021 and liberty was granted to the Applicant to renew his request if the charge is not framed within a period of one year or the trial is not progressed.

2] Undisputedly, the position as on today is the same as was on 08.09.2021, the charge is not framed. The learned APP state that the matter is now scheduled for framing of charge on 06.01.2023.

3] This being the second Bail Application, I have once again scrutinized the circumstances collated against the present applicant in the charge-sheet and unfortunately I arrive at the same conclusion being to refuse release of the Applicant on bail pending his trial.

Charge-sheet specifically allege that the applicant who was maintaining some proximate relationship with the victim girl, on the date

of incident i.e. 26.10.2020, when she was returning to her home, the Applicant forcibly indulged into conversation with her and when she wanted to avoid the same, he took a knife from his pant pocket and assaulted her.

4] The injury certificate placed on record reflect four grievous injuries in the form of laceration and what is relevant, is one of the injury is on umbilical region which resulted into active bleeding. The second injury is on the upper back-right side, which also resulted in active bleeding. The other two injuries on the forearms, with irregular margins are also described as grievous in nature.

The injury No.1 which is in the nature of puncture would result into active bleeding and could have been responsible for causing her death.

Considering the nature of injury and the manner in which the offence is committed, with the available evidence on record I am not inclined to release the Applicant on bail despite the fact that the charge is not framed.

5] However, at the same time, I deem it appropriate to issue directions to the Additional Sessions Judge, Borivali Division at Goregaon, to ensure that the charge shall be framed on the scheduled date i.e. on 06.01.2023 and thereafter to forthwith commence the trial.

The prosecution shall make every endeavour to minimise the number of witnesses, to be examined, and the Court shall fix schedule of hearing and conclude the proceeding of the case within a period of 8 months from the date of framing of charge.

With this direction, Bail Application is disposed off.

**[BHARATI DANGRE, J]**