

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3721 OF 2021

Suresh Harjasmal Ahuja	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Swapna P. Kode for the Applicant.

Mrs. M.M.Deshmukh, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 21st JULY, 2022

P.C. :

1. Heard learned Counsel for the parties.

2. This is the third bail application preferred by the applicant seeking his enlargement on bail in connection with C.R.No. I-67 of 2017 registered with the Vitthalwadi Police Station, for the offences punishable under Sections 307 and 302 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the applicant is in custody since 2017 and till date, the trial has not commenced.

4. Learned APP opposes the application. She submits that the trial of the applicant may be expedited and made it time bound. She submits that as far as merits are concerned, the evidence of eye-witnesses clearly shows the complicity of the applicant in the alleged offence. She submits that the statements on record clearly show that the applicant visited the deceased - Chanderlal's shop with a bucket filled with kerosene and poured it on his person, and thereafter, threw a lit match stick on his person, pursuant to which, Chanderlal sustained burn injuries and succumbed to the same.

5. Perused the papers. The earlier bail applications preferred by the applicant were withdrawn by the applicant since the Court was not inclined to grant bail to the applicant. The same is recorded in the orders dated 16th April, 2018 and 15th January, 2019. The said orders

are at Exhibit 'B' and 'C' of this application.

6. The incident, in question, is alleged to have taken place on 20th March, 2017 at around 8.30 a.m. According to the prosecution, the deceased was running a Wada-pav Centre by the name Mahalaxmi Jambo Vada-pav Centre. According to the prosecution, the applicant came to the shop with a bucket filled with kerosene, threw it on the person of Chanderlal (deceased) and set him ablaze by throwing a lit match stick on his person. Chanderlal succumbed to the said burn injuries. The said incident was witnessed by the persons working in the shop of the deceased i.e. Mahalaxmi Jambo Vada-pav Centre as well as by others.

7. A perusal of the statement of the eye-witnesses, prima facie, shows that the act of the applicant was a pre-medicated act inasmuch as, he came to the spot with a bucket filled with kerosene and threw it on Chanderlal and thereafter lit a match stick and set him ablaze. Considering the aforesaid, this is not a fit case to enlarge the

applicant on bail. The possibility of the applicant tampering with the witnesses cannot be ruled out.

8. The applicant is in custody since 23rd March, 2017 and that till date, there is no progress in the trial, as the Police have failed to produce the applicant before the trial Court. During the period 2020-21, in view of the SOP's, it appears that the trial could not take place due to the restrictions, however, now, there is no impediment.

9. Having regard to the fact that the applicant is in custody since March, 2017, the trial of the applicant is expedited. The learned Judge, to conclude the case, as expeditiously as possible and in any event, within 12 months from the date of receipt of this order.

10. Registry to communicate the above order to the learned District Judge 5 & Additional Sessions Judge, Kalyan, who is seized of Sessions Case No. 247 of 2017.

11. The prosecution to ensure that the applicant is produced before the learned Judge either physically or through Video Conferencing, as may be directed by the learned Judge.

12. All parties to co-operate in the expeditious trial in the aforesaid case.

13. The application is disposed of in the aforesaid terms.

14. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.