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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4410 OF 2021

MADANSINGH JOHARSINGH KHARWAD

....APPLICANT

V/s.

STATE OF MAHARASHTRA

.....RESPONDENT

Mr. Saumitra Salunke i/b Mr. P. R. Yadav Advocate for the Applicant
Mr. S. R. Agarkar AGP for the Respondent State

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 22, 2022.

P.C.:

1) Applicant, after arrest on 24/05/2018 was charge-sheeted for an offence punishable under Sections 394, 397, 342, 452 r/w 34 of the Indian Penal Code in C.R. No. 76/2018 registered with Kamothe Police Station.

2) The submissions of learned counsel for the Applicant are, Applicant has already suffered incarceration for a period of more than three and half years. He would further claim that there are no

antecedents. He would further claim that evidence of the complainant, Sanjaykumar Jain if perused, no specific overt act is attributed but for his physical presence. That being so, Applicant is entitled for release in absence of criminal antecedents.

3) Prayer is opposed by the learned APP.

4) I have considered the submissions.

5) The Trial has already reached at an advance stage. Evidence of the complainant, an eye witness to the incident who was examined at Exh. 7 specifically attributes an overt act of active participation of the Applicant in the commission of Crime. As such, there is strong evidence available on record to achieve conviction of the Applicant in the offence in question which is punishable with life.

6) That being so, no case for bail, in my opinion is made out. Application stands rejected.

7) Hearing of the trial is expedited.

[NITIN W. SAMBRE, J.]