

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 568 OF 2022

Vijay Chandrakant Malgaonkar ... Applicant

V/s.

State of Maharashtra ... Respondent

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Mr. Sarvajit Patil, Appointed Advocate for Applicant.
Mr. Y. Y. Dabke, APP for Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 11th SEPTEMBER 2023

P C:-

1. By this Application, Applicant is seeking bail in C.R.No. 238 of 2017 registered with Vartak Nagar Police Station, Thane for the offence punishable under Section 302 of Indian Penal Code, 1860 (for short "IPC").

2. It is the prosecution's case that Applicant has killed the deceased by throttling her neck and he informed the police that he killed the deceased. It is the contention of learned Counsel for Applicant that extra judicial confession cannot be a ground against the Applicant himself. He is behind the bar more than six years. Yet

trial has not been concluded, hence requested to allow the Application.

3. It is the contention of learned APP that, trial has been commenced, prosecution has examined 7 witnesses only 4 to 5 witnesses yet to be examined. Applicant had himself gone to police station and informed the police that he had killed the deceased on the suspicion of her character. If Applicant released on bail he may abscond, hence requested to reject the Application.

4. I have heard both the learned Counsel.

5. Perused the FIR and charge-sheet. Applicant himself informed the police about the incident and stated that he had killed the deceased. Prosecution has examined 7 witnesses and as per the submission of learned APP yet 4 to 5 witnesses are to be examined.

6. In view of the above, I pass following Order:-

ORDER

- (i) Application is rejected.
- (ii) As the Applicant is behind the bar more than 6 years, learned Trial Court is requested to expedite the trial and dispose of it as early as possible preferably within eight months.

(SHIVKUMAR DIGE, J.)