

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1627 OF 2023

Akash @ K.D. Anil Kedare .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Kartik Garg with Mr.Abdul Wahab Shaikh i/b Mr.Mohd. Umar Kazi for the Applicant.

Mr.S.R.Agarkar, A.P.P. for the State/Respondent.

ASI S. K. Rathod, attached to Badlapur Police Station, Thane City, present.

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CORAM: BHARATI DANGRE, J.
DATED : 25th SEPTEMBER, 2023

P.C:-

1. On 20/07/2022, I had declined to release the Applicant on bail, who face the charge under Sections 307, 323, 504, 506 read with Section 34 of IPC, by taking into account the role assigned to him and by specifically recording that the Applicant slapped the injured, as a result of which, he fell to the ground and he alongwith co-accused restrained the Complainant from coming to the rescue of the injured Sumit Pujari.

2. The second application is filed on the ground that the co-accused Nitin Ashok Upadhyay @ Baccha is released on bail by this Court (Coram : M.S.Karnik, J.) on 13/02/2023. I am not persuaded to extend the parity, as I have clearly recorded that the Applicant has played an active role, when the injured sustained life threatening injuries to which I have made reference in my order dated 20/07/2022. The accusations faced are serious in nature. Hence, the Application deserve to be rejected, even being filed on the ground of parity and, accordingly, it is rejected.

3. The learned counsel for the Applicant would submit that despite his arrest on 02/01/2021, even charge is not framed. In such circumstances, I deem it appropriate to direct the Sessions Court, Kalyan to frame the charge within a period of three months from today and expedite the trial and make every attempt to conclude the same within a period of one year thereafter.

(SMT. BHARATI DANGRE, J.)