

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4135 OF 2021
(THROUGH JAIL)**

Sandip Pitambar Khairnar

..Applicant

VS.

The State of Maharashtra

..Respondent

Adv. Ruju R. Thakker a/w Adv. Prerna Thakkar for the Applicant.

Mr. S. V. Gavand, APP for the State.

Mr. Dilip M. Rane, PSI, Aarey Road Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 15, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail by the applicant-Sandip Pitambar Khairnar in connection with C.R. No.70 of 2015 registered with Aarey Road Police Station for the offence punishable under Sections 302, 307, 120-B read with Section 34 of the Indian Penal Code, 1860 (hereafter "the IPC", for short) and under Sections 3, 25, 27 of Indian Arms Act and Section 37(1) of Maharashtra Police Act.

3. Learned counsel submitted that co-accused have been

released on bail and therefore, the present applicant be released on bail.

4. The applicant was arrested on 04/06/2015. Considering that the applicant is in custody for almost 7 years and 6 months, no doubt the applicant is incarcerated for long number of years. However, I am informed by learned APP that the trial has commenced and as many as 12 witnesses have already been examined. Though, it is stated that there are 74 witnesses, however, it is the case of the prosecution that 60 witnesses are likely to examine of which 29 are panch witnesses. The applicant is the assailant who shot with a revolver and fired three rounds at the victim. The victim succumbed to the injuries after being admitted in hospital for two months. Considering the nature of the accusations and the fact that the trial is on going, at this juncture, I am not inclined to release the applicant on bail. There is one criminal antecedent reported against the applicant under Section 448 and 34 of the IPC.

5. The application is rejected.

6. Liberty to file a fresh application after six months if

the trial does not proceed substantially.

7. I appreciate the assistance rendered by Advocate Ruju R. Thakker, who was requested to appear on behalf of the applicant.

(M. S. KARNIK, J.)