



PMB

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1712 OF 2023

HARIBHAU @ HARYA BABAN KHUDE ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Priyal G. Sarda a/w Adv. Deepak Girme a/w Adv.
Pranav Girme for the applicant.

Mr. P. H. Gaikwad, APP for the State.

PSI Mahesh Kawale, Hadapsar Police Station.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 8, 2023.

P.C. :

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

2. This is an application for bail in respect of the offence
punishable under Section 302 of the Indian Penal Code
(hereafter 'IPC' for short), under Section 4(25) of Arms Act
and under Sections 37(1), 135 of Maharashtra Police Act.
registered on 23.04.2018 vide C.R. No.475 of 2018 with
Hadapsar Police Station.

3. It is alleged that there was some quarrel between the
applicant and the deceased. On the date of the incident i.e.

22.04.2018 at about 10.00 p.m. the applicant assaulted the victim on his neck. The victim died. Learned counsel for the applicant submitted that the applicant is in custody for more than five years and therefore, he should be released on bail on the ground of long incarceration. There are as many as three eye witnesses to the incident. The blood stained clothes are recovered at the instance of the applicant. There is previous enmity between the applicant and the deceased. There is no injury on the person of the applicant.

4. No doubt, there is a delay in concluding the trial. However, considering the past antecedents against the applicant, I am not inclined to enlarge the applicant on bail. While on bail in respect of an offence registered against the applicant under Sections 307, 504 of the IPC which was registered in the year 2016, the present offence was committed. There is one antecedent of the year 2017 in respect of bodily assault under Sections 324, 427, 143, 147, 148, 149 of the IPC against the applicant. So far as C.R. of the year 2015 is concerned, the same is under Sections 143, 147, 148, 149, 152, 427, 323, 504, 506 of

the IPC. However, considering that the applicant is incarcerated for more than five years, I am inclined to expedite the trial. Learned trial Judge is requested to expedite the trial and conclude the same preferably within a period of one year from today.

5. Liberty to file a fresh application for bail if the trial is not concluded by then.

6. The application is rejected.

(M. S. KARNIK, J.)