

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

BAIL APPLICATION NO. 2634 OF 2022

Bipin Ramhajur Yadav ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. A. A. Karva - Advocate for the Applicant
Mr. H. J. Dedhia - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 21st MARCH, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP.
2. The Applicant is named in the F.I.R. as a sole person who assaulted the deceased on 09/04/2019 at about 10.30 p.m.. The first informant is the brother of the deceased Sundaram. He has also referred about previous incident in between their family and of the deceased.
3. There are statements recorded by the Police of the first informant and his mother under Section 164 of the Code of Criminal Procedure. In addition to the name of the Applicant, both have

stated about involvement of three more persons. Initially, the offence was registered under Section 302 only. As there is involvement of more persons charge-sheet is filed under Section 302 read with 34 of the Indian Penal Code and Sections 4 and 25 of the Arms Act.

4. My attention is also invited to the statements of other eye witnesses recorded by the Police and an attempt is made to point out that there is variances in between all these statements. I am not impressed by this arguments. There is consistency about involvement of the Applicant even though there may be improvement by including names of other Applicants. So no case for bail is made out.

5. Applicant is behind bar for last four years and it is stated that yet trial is not started, certain directions are required. Hence following Order:-

ORDER

- (i) Application is dismissed.
- (ii) The trial Court seized of the matter to expedite the trial and to frame the charges.
- (iii) The Applicant to co-operate the trial court for expeditious disposal.
- (iv) If the trial does not start within one year from today, the Applicant is entitled to reiterate his

prayer for bail before the trial court only and let learned trial court to decide the same. Liberty to move the trial court only is granted because the prayer for bail will not be on merits. It is already rejected by this Court. Liberty is on account of delay in start of the trial.

- (v) Copy of this order be communicated to the concerned Court.

[S. M. MODAK, J.]