

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3683 OF 2022

Lahanu Rambhau Gaikwad

...Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Narayan Rokade i/b Mr. U.D. Deshmukh for the Applicant.

Mr. A.A. Palkar, APP for the Respondent/State

CORAM : N.R. BORKAR, J.
DATE : 18.04.2023

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No. 236 of 2020 registered at Khed Police Station, District Pune, for the offences punishable under Sections 302, 307, 326, 324, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code (IPC) and Section 4 read with 25 of the Arms Act.
3. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.
4. The bail is sought *inter alia* on the ground of parity. Learned counsel for the applicant submits that there are in all twenty-five accused. It is submitted that all other co-accused are on bail. It is

submitted that the role attributed to some of the co-accused and the present applicant is identical. It is further submitted that the applicant is in jail for more than two years and six months and the trial is still at the stage of framing of charge. It is accordingly submitted that the applicant be released on bail.

5. On the other hand, learned APP submits that the applicant along with other co-accused assaulted the deceased so also to a witness namely Ramesh Maruti Gaikwad with a stick and iron rod. It is submitted that the role attributed to the present applicant and to the other co-accused is not identical. It is submitted that considering the facts and circumstances of the present case, the applicant may not be released on bail instead the trial be expedited.

6. I have perused the charge-sheet. On the date of the alleged incident which took place on 31 May 2020, an altercation took place between the complainant and co-accused namely Ajit Gaikwad and Sachin Gaikwad. Pursuant to the phone call made by the co-accused Ajit Gaikwad the present applicant and other co-accused came to the place of the incident and at that time they were armed with iron rods and sticks. It appears from the statement of the witnesses that the present applicant assaulted the deceased with an iron rod on his head. The cause of death is head injury. It appears that in addition to the deceased the applicant has also assaulted the witness Ramesh Maruti Gaikwad on his head.

7. Considering the overall facts and circumstances, I am not inclined to release the applicant on bail. However, as the applicant is in jail for more than two years and six months, the Trial Court shall endeavour to conclude the trial as early as possible and in any case within a period of one year from the date of the receipt of the copy of this order.

8. The Bail Application is disposed of in the aforesaid terms.

[N.R.BORKAR, J.]