

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

CRIMINAL BAIL APPLICATION NO. 3393 OF 2022

Wasim Muzaffar Shaikh

...Applicant

V/s.

The State of Maharashtra

... Respondent

NILAM
SANTOSH
KAMBLE

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NILAM SANTOSH
KAMBLE
Date: 2023.08.29
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Mr.Gaurav Bhawnani i/b Mr.Khan Abdul Wahab, for the
Applicant.

Ms.Anamika Malhotra, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th AUGUST 2023

P.C:-

. Heard learned counsel for the Applicant and learned
APP.

2. The learned counsel for the Applicant submitted that,
incident happened in spur of moment. Applicant was running
away from the incident spot and thereafter the scuffled took
place. If prosecution case is believed the act of Applicant would

fall under Section 304 (Part-I) or (Part-II) of IPC. The Applicant is in jail since almost two years yet trial has not commenced and no one knows how much time it would take to conclude the trial. Hence, Application of bail is allowed.

3. The learned counsel further submitted that, if this Court would not inclined to allow the Application, given direction be given to the Trial Court to conclude the trial within six months.

4. The learned APP submitted that, there is direct evidence that the Applicant assaulted deceased by iron rod. It shows intention to kill the deceased. There is *prima facie* case against the Applicant. Hence, Application be rejected.

5. I have heard both learned counsel.

6. Considering the submission of both learned counsel as also charge is also framed against the Applicant.

7. When this Court was dictating the order, the learned counsel for the Applicant, on instructions, submitted that, Applicant be permitted to withdraw the Application. Considering his request, Application is allowed to be withdrawn.

8. The Trial Court is requested to dispose of the pending trial expeditiously as early as possible preferably within one year after receipt of this order.

9. Application is disposed of.

(SHIVKUMAR DIGE, J.)