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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3243 OF 2023

Basavraj Mahadev Teli
@ Kannapanavar
V/s.

...Applicant

The State of Maharashtra

...Respondent.

Mr. Satyavrat Joshi a/w. Ms Shivani Kondekar i/b Mr. A.S. Vernekar
for the Applicant.

Ms M.H. Mhatre, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 07.12.2023.

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.559 of 2020 registered at Shivaji Nagar Police Station, Kolhapur for the offences punishable under Sections 302, 307, 323, 504 read with 34 of the Indian Penal Code.

3. It is the case of the prosecution that on 7 November 2020, the present applicant along with other co-accused assaulted the deceased by knife and committed his murder.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

5. The learned counsel for the applicant submits that this Court by order dated 15 November 2022, while disposing of the bail application filed by the applicant, granted liberty to file fresh application for bail, if the trial is not concluded within nine months. It is submitted that the trial has not yet commenced and the same is at the stage of framing of charge. It is submitted that considering the facts and circumstances and as the applicant is in jail for more than three years, he may be released on bail.

6. On the other hand, learned APP submits that the applicant is involved in brutal murder. It is submitted that there are eye-witnesses. It is thus submitted that the application may be rejected.

7. I have perused the statement of eye-witnesses. According to the eye-witnesses, on the date of alleged incident, the present applicant came to the place of incident with co-accused and assaulted the deceased by knife. The cause of death is multiple stab injuries.

Considering the nature of offence, I am not inclined to release the applicant on bail. The Application is thus rejected. However, considering the fact that the applicant is in jail for more than three years, the trial Court shall endeavour to conclude the trial as early as possible.

8. With aforesaid directions, the application is disposed of.

[N.R.BORKAR, J.]