

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.230 OF 2023

Rakesh S/o Prakash Bhasarkar .Vs. State of Maharashtra, through P.S.O., Mul, Dist.
Chandrapur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N. Samundre, Advocate for the applicant.

Shri H.D. Dubey, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 05/04/2023

1. Heard.

2. In this case, on 26.08.2022 this Court has recorded the disinclination to grant bail on merit accordingly, the earlier application namely Criminal Application (BA) No.879 of 2022 was withdrawn by the applicant.

3. The present successive application is filed on the ground that after withdrawal of the first bail application there is no progress in the trial. The further ground is that his mother is blind and father is suffering from HIV.

4. He, accordingly, submits that as there is no progress in the trial and since the applicant is in jail from last two years, he may be released on bail.

5. In the present case the offence is registered against the applicant for the offence punishable under Sections 302 and 307 of the Indian Penal Code and Sections 3 and 25 of the Arms Act, 1959. The maximum punishment is life.

6. Thus, considering the period of incarceration of the applicant, it cannot be said that he has undergone substantive period of incarceration.

7. Moreover, only because the trial is not progressing as per the expectation of the applicant, it cannot be a ground for grant of bail.

8. The blindness of mother of the applicant and ailment of father, cannot be ground for grant of bail in such heinous crime, unless on merit the applicant succeeds in pointing out that, *prima facie* there is no material to show his involvement in the present offence. In the circumstances, the application is **rejected**.

JUDGE