

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1974 OF 2024

Deepak Baban Gunjal

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Salman Pathan (Through V. C.), for the Applicant.

Mr. S. M. Mangaonkar, APP, for the Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : MAY 08, 2024

P.C.:

1. Heard Mr. Pathan, learned Counsel for the Applicant and Mr. Mangaonkar, learned APP for the Respondent-State.

2. This is the third Bail Application. The first Bail Application was allowed to be withdrawn by a learned Single Judge by Order dated 21st August 2018. The second Bail Application was decided by this Court by Order dated 16th February 2024. At that time, learned APP submitted that only two witnesses had remained to be examined by the prosecution, and efforts would be taken to conclude the trial within a period of two months.

3. Mr. Mangaonkar, learned APP states that all the witnesses have been examined and now the matter is pending for the recording of the statement of the accused under Section 313 of the *Code of Criminal*

Procedure, 1973.

4. Mr. Pathan, learned Counsel for the Applicant states that, now the Presiding Judge is transferred, and therefore the Presiding Judge has indicated that those matters of which arguments were concluded, only those matters would be taken for the Judgments. He, therefore, submitted that the Bail Application be granted.

5. The offence involved in the crime is very serious and punishable under Sections 302, 394, 397, 120-B and 34 of the *Indian Penal Code, 1860*. F.I.R. shows that the offence is committed with pre-planning, as it was known to the Applicant that the father of the Informant, after closing his lottery business in the night, comes with cash at his house and therefore the offence is committed with pre-planning. The manner in which the offence is committed clearly shows that it is not on the spur of the moment and it is a totally pre-planned offence.

6. A learned Single Judge by Order dated 21st August 2018 was allowed the first Bail Application to be withdrawn as the learned Judge was not inclined to grant bail. The trial is at the fag end. Accordingly, no case is made out for granting bail.

7. However, the learned Trial Court is requested to conclude the trial in any event by passing final Judgment on or before 31st July 2024.

8. The Respondent-State is directed to keep present the Accused on all dates of hearing.

- 9.** These directions are issued as the Applicant has been incarcerated since 31st July 2015.
- 10.** The Applicant is granted liberty to file a fresh Bail Application if the trial is not concluded by 31st July 2024.
- 11.** Accordingly, the Bail Application is rejected subject to above.

[MADHAV J. JAMDAR, J.]