



Diksha Rane

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

BAIL APPLICATION NO.2691/2023

AMOL SURESH BASNAK ..APPLICANT
VS
STATE OF MAHARASHTRA ..RESPONDENT

Adv. Jagdish Nagar for the applicant.
Smt. Megha Bajoria, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : MARCH 11, 2024.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Section 302 of the Indian Penal Code (hereafter 'IPC' for short) registered on 28/12/2019 vide C.R. No.280/2019 with V. P. Road Police Station.
- 3.** The incident occurred in the night of 27/12/2029 and 28/12/2019, at about 1.30 a.m. The applicant noticed a thief trying to run away with a bag. The applicant caught hold him and assaulted him with a stick. There are eye witnesses to the incident. The victim and the witnesses were pleading

the applicant to stop the assault. However, the applicant persisted with the assault. The victim was mercilessly beaten. He succumbed to the injuries.

4. This Court on an earlier occasion by an order dated 25/11/2022 permitted the applicant to withdraw the application with liberty to apply after six months, in case the trial does not proceed further.

5. So far as the trial is concerned, the charge has been framed on 17/1/2024. The prosecution proposes to examine 20 to 25 witnesses. There are eye witnesses to the incident. The deceased was brutally assaulted. The incident has been video-graphed.

6. In my opinion, this is not a fit case to enlarge the applicant on bail. The application is rejected.

7. The trial Court, is, however, requested to expedite the trial, preferably within a period of one year considering that the applicant is in custody for four years. Liberty to apply after some time depending on the progress of the trial.

8. The application is disposed of.

(M. S. KARNIK, J.)