IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3064 OF 2022

Ramakant Lotu Yadav .... Applicant
v/s.
The State of Maharashtra .... Respondent

Mr. Husen Shaikh for the Applicant.
Ms. Rutuja Ambekar, APP for the State.
Mr. D.S. Patil, API, Kolsewadi, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 02nd FEBRUARY, 2024.

P. C. :-

. This is the 2nd application for bail filed by the aforesaid applicant who is facing trial in Sessions Case No.192/2019 pending on the file of learned Additional Sessions Judge, Kalyan for offences punishable under sections 120-B, 182, 201, 302, 404 r/w. 34 of the Indian Penal Code.

2. The charge against the Applicant is that he along with others committed murder of his sister who was allegedly having extra-marital affair which was considered to be dishonour to the family. The previous application being Bail Application No.2200/2021 was dismissed on the ground that the CCTV footage which prima facie

proved that the Applicant had travelled with the deceased by Kamyani Express. Deceased and her brother were seen walking towards platform nos.2 and 3 and later, the Applicant and the other person were seen returning without the deceased. It was held that the deceased was last seen in the company of the Applicant proceeding towards the place of the incident. On the basis of the said material, the Applicant was placed under arrest and while he was in custody, clothes of the deceased were recovered pursuant to the disclosure statement made by the Applicant.

3. The 2nd application for bail is filed mainly on the ground of delay in trial. By order dated 30/01/2024, this Court had called for the report from the learned Sessions Judge, Kalyan for delay in framing the charge and conducting the trial. The learned District Judge-3 and Additional Sessions Judge, Kalyan has submitted a report tendering apology and has stated that the charge has been framed and has assured that he will endeavour to complete the trial as expeditiously as possible.

4. It may be mentioned that the Applicant is in custody for offence under section 302 of the Indian Penal Code which is of serious nature.

While rejecting the previous bail application, this Court had observed that the Applicant is a resident of Uttar Pradesh and he has no roots in the city. It was observed that in the event of his release on bail, there is every possibility of the Applicant absconding and not being available for the trial.

5. In view of the above facts and circumstances, I am not inclined to entertain this application at this stage. Hence, the Application is dismissed.

6. The learned District Judge-3 and Additional Sessions Judge, Kalyan is directed to conclude the trial as expeditiously as possible and in any event within a period of one year from the date of this order. Registrar (Judicial-II) to communicate this order to the learned Additional Sessions Judge, Kalyan. In the event the trial is not concluded within a period of one year, the Applicant shall be at liberty to file fresh application for bail.

(SMT. ANUJA PRABHUDESSAI, J.)

PREETI HEERO JAYANI
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