

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

BAIL APPLICATION NO. 3519 OF 2023

Mr. Sujat Ali Khan

.... Applicant

v/s.

The State of Maharashtra

.... Respondent

Ms. Alpa Jhaveri for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

Mr. Rahul Patil, PSI, Powai Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 22nd JANUARY, 2024.

P. C. :-

1. This is the 2nd application for bail filed by the aforesaid applicant who is facing trial in Sessions Case No.1243/2021 arising from C.R.No.I-158/2021 registered with Powai Police Station, Mumbai for the offences punishable under sections 302 r/w. 34 of the Indian Penal Code for committing murder of one Aniket Bansode.

2. The records reveal that on 28/04/2023, the previous application being Bail Application No.395/2022 was argued at length and the application was withdrawn when this Court expressed disinclination to grant bail.

3. Learned counsel for the Applicant submits that till date, trial has not commenced and that the Applicant is in jail since 2021.

4. It is pertinent to note that only 09 months have passed since the order dated 28/04/2023. The Applicant is facing trial for offence under section 302 of the Indian Penal Code. Considering the gravity of the offence, the mere fact that the Applicant is in custody since 2021, would not be a ground for release on bail. Hence, the Application is dismissed.

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(SMT. ANUJA PRABHUDESSAI, J.)