

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3794 OF 2023**

Hrutik @ Nanya Vishal Bivsane .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Adv.Vinod Kashid for the applicant.
Smt. Mahalaxmi Ganpati, APP for the State.
Mr. C.B. Bagul, API, Ulhasnagar Police Station, Thane City.

**CORAM: BHARATI DANGRE, J.
DATED : 31st JANUARY, 2024**

P.C:-

1 The second bail application seek release of the applicant on bail on two grounds; the first being despite four years of incarceration, charge is not framed and the second ground is that a co-accused Rahul Kanojia, who was attributed a similar role is released on bail on 11/09/2023, by this Court.

2 Heard the learned counsel Mr. Kashid, learned APP for State and once again perused the charge sheet.

 It is not a matter of dispute that the deceased met death on account of multiple injuries being administered to him and column no.17 refer to 35 injuries, largely in form of incised wounds spread over his whole body. The cause of death as per the postmortem report is hemorrhagic shock with lung injury with hemothorax and head injury associated with multiple

injuries over the body due to hard and sharp object.

When the charge-sheet is perused along with the transcript of the panchanama, the role attributed to the present applicant is of an assault by fist and blows and similar is the role attributed to the co-accused Rahul Kanojia.

Though the gravity and seriousness of the offence is to be kept in mind, the long incarceration of an accused as an under trial is also relevant factor, which must receive its due weightage. There are six accused to be tried in the trial with almost 50 witnesses to be examined and it cannot be said with certainty, as to when the trial can be concluded and in this background the applicant cannot be kept incarcerated indefinitely awaiting the trial.

He may take the consequences of the accusations faced by him and specifically along with Section 149 of IPC, but speedy trial being his fundamental right, he deserve his release on bail.

His release shall be subject to following conditions.

: ORDER :

- (a) Application is allowed.
- (b) Applicant -Hrutik @ Nanya Vishal Bivsane, shall be released on bail in connection with C.R.No. I-37/2020 registered with Ulhasnagar Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.

(c) The applicant shall mark his attendance on first Monday of the Trimester between 5:00 p.m to 7:00 p.m till framing of the charge to the concerned Police Station and make himself available as and when required by the Investigating Officer.

(d) The applicant shall attend the trial on regular basis.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(SMT. BHARATI DANGRE, J.)