

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

CRIMINAL BAIL APPLICATION NO. 1238 OF 2024

Vishal Vishnu Gejge

...Applicant

Vs.

The State of Maharashtra and Others

...Respondents

Mr. S. T. Pandey with Nagesh Avhad i/b SBG Law Advocates, for the applicant.

Ms. Priyanka Rane, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 20th AUGUST, 2024

PC:-

1) Heard.

2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 609 of 2020, registered with Nashik Road Police Station, Nashik for the offences punishable under Sections 302, 363 and 201 read with Section 34 of the Indian Penal Code, 1860.

3) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that there is sufficient incriminating material available against the applicant to connect the applicant with the alleged offence. Prima facie, complicity of the applicant in the alleged offence is clear from the

recovery memorandum under Section 27 of the Indian Evidence Act, 1872.

4) Furthermore, the earlier application was withdrawn by the applicant as this Court was declined to grant of bail on merits. However, in view of the liberty granted to the applicant to move afresh after nine months, if the trial is not concluded, the present successive bail Application came to be filed.

5) There are witnesses, who have lastly seen the applicant with the deceased. The deceased was the nine years old boy and he died by strangulation. The towel, which was used in the offence, was also recovered from the applicant.

6) Thus, considering the incriminating material against the applicant, I am of the opinion that though the applicant is in jail from last more than three years, this is not a fit case for grant of bail. There is one more reason that the trial has already commenced and some of the witnesses have already been examined.

7) In the circumstances, the purpose would be served if the trial is expedited. Accordingly, the application is rejected and disposed of.

8) The trial Court is directed to expedite the trial and try to conclude the same in next nine months.

9) The learned Counsel for the applicant undertakes to place this order on the record of the trial Court within two weeks from today.

[ANIL S. KILOR, J.]