

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

BAIL APPLICATION NO. 2467 OF 2024

Mohasin Mohd. Yasin Behalim

...Applicant

Versus

The State of Maharashtra

...Respondent

- Ms. Rushita Jain i/b Mr. Samarth Karmarkar & Associates, for the Applicant.
- Ms. Rutuja A. Ambekar,, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 30th July, 2024.

P. C. :

1. Heard, Ms. Rushita Jain, learned counsel for the applicant and Ms. Rutuja Ambekar, learned APP for the State.

2. By this application, in the peculiar circumstances, the applicant is seeking release on bail for a period of three months to exercise his conjugal rights for procreation.

3. In support of the application, the learned counsel for the applicant has made the following submissions :

(A) The wife of the applicant is nearing the age of menopause and the applicant as well as his wife are desirous of having a child.

(B) It is submitted that on earlier occasions the wife of the

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applicant had suffered miscarriages and hence, an opportunity may be granted for the applicant and his wife to enjoy conjugal rights and to beget a child.

- (C) It is submitted that the applicant is ready to abide by conditions that may be imposed by this Court.

4. On the other hand, learned APP submits as follows :

- (I) The applicant was on furlough when he was incarcerated for an earlier offence and at that time he committed the present offence, leading to registration of the FIR against him and co-accused persons, for the murder of two victims in the year 2016. Hence, offences under Sections 302 and other provisions of the Indian Penal Code were registered against the applicant.
- (II) The applicant already has a daughter, born in the year 2007.
- (III) The trial is proceeding and about 11 witnesses have already been examined. This Court may issue appropriate directions for expediting the trial.

5. Having considered the rival submissions, this Court is of the opinion that the applicant has not been able to make out a case for granting

the prayer of being released on bail for a period of three months. This Court finds that the applicant is not childless. He already has a daughter, who was born in the year 2007 and who is now about 17 years of old. The present offence was registered against the applicant when he was on furlough in connection with incarceration that he was undergoing for an earlier offence, thereby indicating the propensity of the applicant to indulge in violence. In the present case, he along with co-accused persons are alleged to have committed murder of two persons and hence, releasing him on bail even for a limited period, may be fraught with danger.

6. In any case, about 11 witnesses are already examined in the trial and if the Trial Court proceedings are expedited, the purpose for which the present application has been filed will be served, if at all the applicant is acquitted.

7. In view of the above, the application is dismissed. However, the Trial Court is directed to expedite the proceedings and to make an endeavor to conclude the trial within nine months from today.

(MANISH PITALE, J.)