



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 971 OF 2023

(NIKHIL VILAS KHARAT..VS.. STATE OF MAH. THR. PSO PS RANAPRATAPNAGAR, NAGPUR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.P.Mohadikar, Advocate for Applicant.
Shri Shyam B. Bissa, A.P.P. for Respondent/State.

CORAM : ANIL S. KILOR, J.
DATED : FEBRUARY 06, 2024.

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.225 of 2019, registered with Police Station, Ranapratap Nagar, Nagpur for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code and Section 135 of the Maharashtra Police Act.
3. This is a successive bail application after withdrawal of the first bail application on 07/12/2022. This bail application is filed in view of the liberty granted to the applicant to file a fresh in case there is no progress in the trial.
4. After going through the chargesheet, it is evident that the offence is very serious and the deceased

was brutally killed, 32 injuries were found on his body and there are 12 eyewitnesses. The CCTV footage is also recovered.

5. Thus, considering the material available on record and the nature of the evidence against the applicant, though it is the case of the applicant that he is in jail from last 4 years and 8 months and there is no progress in the trial and till date charge is not framed, since the possibility of committing similar offence if the applicant is released on bail cannot be ruled out, I am not inclined to grant bail to the applicant.

6. Accordingly, the application is **rejected**. However, liberty is granted to the applicant to file fresh application before the trial Court if charge is not framed within one year.

JUDGE