

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1906 OF 2024

Tajindarsingh @ Vickysingh Sandhu .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr. Deepak Jaiwal a/w, Chinmay Sharma, Advocates i/by Vijay Shelar for Applicant.
- Ms. Megha S. Bajoria, APP for Respondent – State of Maharashtra.
- Mr. Dnyaneshwar Ladse, PSI – Mulund Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 17, 2025

P.C.:

1. Heard Mr. Jaiswal, learned Advocate for Applicant and Ms. Bajoria, learned APP for Respondent – State of Maharashtra.

2. This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short ‘**Cr.P.C.**’) seeking Bail in connection with C.R. No.231 of 2022 registered with Mulund Police Station for offences punishable under Sections 302, 307, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short ‘**IPC**’) and Sections 37(1) and 135 of Maharashtra Police Act, 1951.

3. The role attributable to the Applicant as informed by Mr. Jaiswal is of assaulting the victim with fists and kick blows. Mr. Jaiswal would fairly inform the Court that victim succumbed to his injuries due to head injury inflicted on his head by iron rod by other

accused. He would also fairly inform the Court that Applicant is arraigned as one of the co-accused on the ground that he is one of the younger brother of principal accused in the present crime. He would submit that even presence of Applicant at the incident spot during commission of crime is disputed by Applicant.

4. *PER CONTRA*, Ms. Bajoria, learned APP would however persuade the Court to consider that there are statement of witnesses recorded to show that Applicant was present at the incident spot when incident occurred. She would however persuade the Court not to enter into the merits of the case at present and consider her submissions with respect to the trial which is under progress before the Trial Court. She would submit that 5th prosecution witness is being examined before Trial Court. She would submit that prosecution initially had given a list of 27 witnesses but after application of mind the prosecution would in all probability be examining only 15 to 16 witnesses and therefore would persuade the Court to allow the prosecution to complete the trial.

5. On the flip side, Mr. Jaiswal would submit that Applicant is incarcerated for the past 2 years 9 months which would in the present circumstances be considered as long incarceration considering his imprisonment in jail since arrest. He would persuade the Court to consider his role. However, I am inclined to consider the prosecution

request especially when learned Prosecutor has persuaded and informed the Court that an endeavour and all effort shall be made to complete the trial within a period of 6 months from today. If that be the case, the copy of this order shall be placed before Trial Court and all endeavor shall be made by prosecution to complete the trial as stated hereinabove. Keeping all contentions and questions open and without delineating any opinion on merits, the present Application is disposed.

6. Bail Application is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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