

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2283 OF 2024

Rohit P. Koli

...Applicant

V/s.

The State of Maharashtra

...Respondent.

.....
Ms Sana Raees Khan a/w. Ms Neha Balani for the Applicant.
Mrs. P.S. Rane , APP for the Respondent/State.
PSI Ganesh S. Rathod, Yerwada Police Station Present.
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CORAM : N.R. BORKAR, J.
DATE : 24.02.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.13 of 2019 registered at Yerwada Police Station, Pune for the offences punishable under Sections 302, 201 and 120-B read with 34 of the Indian Penal Code, Section 3 (25), 3(27) & 4(25) of the Arms Act and Section 37(1) read with 135 of the Maharashtra Police Act.
3. It is the case of the prosecution that on the date of incident, which took place on 6.1.2019, the the present applicant along with other co-accused assaulted the deceased on account of previous dispute and committed his murder.
4. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.

5. Learned counsel for the applicant submits that the applicant is in jail for more than 4 and ½ years and the trial is still at the stage of framing of charge. It is submitted that this Court vide order dated 5.9.2023 in Bail Application No.1937 of 2023 has granted bail to the co-accused Ashraf S. Pathan on the ground of long incarceration. It is submitted that the applicant was granted bail during covid pandemic and he did not misuse the liberty granted to him. It is further submitted that according to the prosecution, the present applicant has assaulted the deceased by tiles, however, there are no corresponding injuries in the the Post Mortem Report. It is submitted that considering the overall facts and circumstances of the case, the applicant may be released on bail.

6. On the other hand, learned APP for the respondent/State submits that the case is based on direct evidence. It is submitted that the deceased was brutally murdered and there are in all 28 injuries including chop wound, incised wound, contused wound and even fire arm wound. It is submitted that the present applicant assaulted the deceased by tiles. It is submitted that considering the nature of crime, the applicant may not be released on bail and the trial be expedited.

7. I have perused the statements of eye-witnesses. It appears to be a case of very brutal murder. A specific overt-act is

attributed to the present applicant. No specific overt-act is attributed to the co-accused Ashraf Pathan to whom this Court has granted bail. Considering the nature of offence, I am not inclined to release the applicant on bail. Hence, the Application stands rejected. However, the trial Court shall endeavour to conclude the trial as early as possible.

[N.R.BORKAR, J.]