

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3591 OF 2024

Kafil Vakil Shaikh

.. Applicant

Versus

State of Maharashtra

.. Respondent

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- Mr. Prem Kumar Pandey (appointed through legal aid) a/w. Mr. Pavan Pandey, Ms. Sneha Mishra and Ms. Kajal Mishra, Advocates for Applicant.
- Ms. Shilpa K. Gajare – Dhumal, APP for Respondent.
- PSI – S. D. Patil, Shivaji Nagar Police Station, Mumbai.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 17, 2025

P.C.:

1. Heard Mr. Pandey, learned Advocate for Applicant appointed through legal aid and Ms. Gajare – Dhumal, learned APP for Respondent.

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.91 of 2018 registered with Shivaji Nagar Police Station for offences punishable under Sections 302, 307, 498A and 34 of the Indian Penal Code, 1860 (for short '**IPC**').

3. Applicant before me is arraigned as accused No.4. The victim in the present case has succumbed to her burn injury but after recording her dying declaration. Accused No.3 namely Tahjeeb is

charged with pouring kerosene/inflammable liquid on victim whereas present Applicant who is Accused no.4 is charged with lighting the match-stick and setting victim on fire. The incident took place in the dead of the night on the intervening night of 06.03.2018 and 07.03.2018. The dying declaration of the deceased-victim also records a precursor incident which led to alleged incident and the crime in question. Be that as it may, Ms. Gajare – Dhumal, learned APP would inform the Court that considering the progress of the trial, 3 more prosecution witnesses are to be examined and the role of the present Applicant as also of Accused No.4 in the present crime in question, as also the dying declaration of the victim appended at page No.36 of the Application appropriate orders be passed to complete the trial.

4. Considering the fact that the decision of the Supreme Court in the case of *X Vs. State of Rajasthan*¹ would squarely apply to the facts of the present case, learned APP would persuade the Court to consider that the severity of the crime in the present matter by the Court and appropriate directions be passed to determine the trial in the interest of justice. The submission made by the learned APP appeals to the Court.

5. In view of the fact that trial has progressed and almost at the end and the prosecution desiring to examine only 3 more witnesses the learned Trial Court is duly requested by this Court to complete the trial

¹ 2024 INSC 909.

proceedings as expeditiously as possible and in any event within a period of 3 months from today in the facts of the present case as noted hereinabove. It is directed that the Accused or his advocate shall not seek any adjournment and the Trial Court shall grant adjournments only if utmost necessary and complete the trial strictly in accordance with law. Needless to state that Applicant will be at liberty to approach the Court in view of long incarceration of Applicant in the present case in the event of trial is not concluded as directed hereinabove.

6. This Court appreciates the assistance rendered by Mr. Pandey, learned appointed Advocate for Applicant. Fees of the learned Advocate Mr. Pandey appointed through legal aid to represent and espouse the cause of Applicant shall be released by the Registry of this Court within a period of one week from the date of presentation of a server copy of this order on compliance.

7. With the above directions, Bail Application is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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