

Ajay

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

CRIMINAL BAIL APPLICATION NO. 30 OF 2025

Basantkumar @ Kalukumar Mahato	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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- Mr. Sahil A. Pandire, Advocate for Applicant.
 - Mr. Sukanta A. Karmakar, APP for Respondent – State.
 - Mr. Abhijit Patil, API – Manpada Police Station, present.

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CORAM : MILIND N. JADHAV, J.
DATE : MARCH 07, 2025.

P.C.:

- 1.** Heard Mr. Pandire, learned Advocate for Applicant and Mr. Karmakar, learned APP for Respondent – State.
- 2.** This is an Application under Section 439 of the Code of Criminal Procedure, 1973 seeking Regular Bail in connection with C.R.No.640 of 2021 registered with Manpada Police Station, Dombivali for the offence punishable under Section 302 of the Indian Penal Code, 1860 (for short “**IPC**”).
- 3.** Mr. Pandire, learned Advocate for Applicant has drawn my attention to the order dated 02.01.2024 passed by this Court appended at Exhibit “E” – Page No.328 of the Application and would submit that if the said order is perused this Court should consider the present Application.

4. The aforesaid order is passed in the previous Bail Application of the Applicant. Applicant is incarcerated for the offence under Section 302 of IPC for allegedly committing murder of his cousin brother. The motive for committing the crime is *prima facie* seen from the record as also enumerated in the aforesaid order. Admittedly there was a dispute between the parties with respect to the proprietary rights at their native place in Jharkhand which led to the quarrel leading to unfortunate incident. Weapon in the crime is a stone as can be seen from the record of the case. The said order allows the Applicant to approach this Court for seeking bail in the event if there is no progress in the trial. Admittedly that is the reason stated by the learned Advocate while arguing the present Application.

5. *PER CONTRA*, Mr. Haldankar, learned APP has persuaded me to consider the case of the prosecution against the Applicant. He would submit that the gravity of the crime is such that there are eye witnesses to the crime in question which is taken place and the Applicant used a stone as weapon to commit the crime. At the request made by Mr. Haldankar, I have perused the record of the case.

6. Considering the *prima facie* findings which were given by this Court in the order dated 02.01.2024 as also which clearly borne out from the record of the case and at the request made by Mr. Haldankar that the prosecution shall make every effort and endeavour

to complete the trial within a period of six months from today, learned Trial Court is directed to complete the trial as expeditiously as possible and in any event within a period of six months from today in the peculiar facts and circumstances of the present case.

7. Learned Advocate for the Applicant has placed before me the Roznama from 14.06.2023 upto 07.02.2025 of the trial from which it is *prima facie* seen that one of the reason for delay in trial is that the Applicant / Accused person is not produced from jail on the scheduled date of hearing. Whenever he is not produced before the Court, Roznama shows that his Advocate is absent. If this is the reason, then the trial will be protracted and endlessly. I have perused the Roznama. Hence, it shall also be the duty of the Applicant and Advocate for Applicant that he remains present on all the scheduled dates of hearing.

8. I direct the prosecution to ensure that Applicant is kept present on all the scheduled dates of hearing.

9. Learned Trial Court is directed to take cognizance of the aforesaid directions. Needless to state that if the trial is not completed within the aforesaid period, Applicant is at liberty to approach this Court for seeking bail.

10. With the above directions, Application is allowed and disposed.

[MILIND N. JADHAV, J.]

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