

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1536 OF 2025

Manish Ramchandra Patil

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Mr. Amrish R. Salunke, Advocate for Applicant
- Ms. Shilpa K. Gajare-Dhumal, APP for Respondent No. 1 - State

.....

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 21, 2025

P. C.:

1. Heard Mr. Salunke, learned Advocate for Applicant and Ms. Gajare-Dhumal, learned APP for Respondent - State.

2. Applicant stands indicted for the offences punishable under Sections 302 and 307 of IPC. He is arrested on 22.03.2022 and as on today he has been in incarceration for 3 years & 30 days.

3. Mr. Salunke would submit that according to prosecution, the incident occurred on the spur of moment in a public place when the motorcycles / bikes of Applicant and victim dashed with each other. The verbal altercation which ensued between them escalated into free fight leading to intervention by the uncle of the victim and in the scuffle the Applicant inflicted blow with the knife on victim. He would submit that there is an inherent lacunae in the investigation done and the prosecution case itself. He would submit that victim was admitted

in the hospital on the date of incident without he disclosing the place of the incident to the prosecution officer. He would submit that according to Applicant, the actual incident occurred much after the above precursor incident between the parties which the prosecution is alleging to be the main incident. He would submit that the victim and others visited the residence of Applicant to assault him after the above precursor incident where the victim was injured and taken to hospital. Be that as it may, if there is any lacunae in the case of prosecution, the parties can take appropriate steps available to them in law. Insofar as the present Bail Application is concerned, it is *prima facie* seen that Applicant is incarcerated for more than 3 years pending trial.

4. Mr. Salunke would submit that trial has commenced and two witnesses have already been examined. He would submit that considering examination of 33 witnesses by the prosecution in trial as stated in the chargesheet, the trial would take a long time to be completed and therefore he would persuade the Court to invoke right to speedy trial and personal liberty of Applicant being the mitigating factors for grant of bail.

5. In view of the above submissions, learned APP is directed to take appropriate instructions on the veracity of the same and accordingly apprise the Court on the next adjourned date.

6. Stand over to 30th June, 2025.

Amberkar

[MILIND N. JADHAV, J.]

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2025.04.21
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