

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.958 OF 2015

Shri Dilip Babu Chavan ... Applicant

Vs.

The State of Maharashtra & anr. ... Respondents

with

BAIL APPLICATION NO.1454 OF 2015

Shri Laxman Jairam Pardi ... Applicant

Vs.

The State of Maharashtra & anr. ... Respondents

Mr.S.R. Mishra for the Applicants
Mrs.P.P. Shinde, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **APRIL 27, 2016**

P.C.:

1. These applications are for bail and are being taken up together as the applicants/accused are facing prosecution under sections 302, 326, 147, 148, 149, 323 and 506 of the Indian Penal Code. The offence was registered by one Rambabu S. Sahani, the complainant. It is the case of the prosecution that the complainant, who was working in a company viz., Verma Wire company, at Manicha Pada at Valiv police station, reached near his company on the night of 25.7.2014 at around 9pm. The complainant had verbal altercations with the applicants/accused Shri Dilip

Chavan and Shri Laxman Pardi and, therefore, they started beating him and so, he ran towards the company. He informed this incident to the workers and watchmen in the company and after some time, the applicants-accused alongwith the co-accused arrived at the gate of the company. They were armed with iron and wooden rods, spade and started beating the complainant and other persons. They tried to take shelter in the other places of the company. However, the applicants/accused and the co-accused started assaulting all of them. The applicants/accused Dilip and Laxman also assaulted with spades and iron and wooden rods on the head of the watchman Girijashankar Yadav. They ransacked the furniture and other articles in the company and then ran away. Immediately, the complainant and other persons contacted the owner Bharat Sharma of the company who arrived there and all were admitted in the hospital. However, Girjashankar Yadav died. Hence, the offence was registered at C.R. No.I-322 of 2014 with Valiv police station on 26.7.2014. Both the applicants/accused were arrested on the same day on 26.7.2014. Hence, these bail applications.

2. The learned Counsel for the Applicants submitted that the applicants/accused are innocent. They have not committed any offence. He submitted that the applicants had neither motive nor any intention to kill him. He further submitted that there is a counter case registered by the applicants/accused against the injured persons wherein both the

applicants/accused have sustained burn injuries as acid was thrown on them. He further submitted that as per the case of the prosecution, the incident has taken place at around 8.30 pm. However, the deceased was admitted in the hospital at around 11pm and thus, there was a delay and loss of blood and so the deceased died. Thus, he submitted that the assault cannot be a direct cause of death. He further submitted that the incident has taken place in the premises of the company and there is no independent witness.

3. Learned Prosecutor opposed the application. She submitted that there are eye witnesses, who mentioned the names of these applicants/accused so also there is a recovery of weapons i.e., iron rod and spade from the applicants-accused independently and no bail can be granted.

4. Perused the FIR, post-mortem report and the statements of the witnesses. As per the post-mortem report, the death occurred is due to the head injuries to brain and skull fracture and also due to bleeding and shock due to hard and heavy object. From the statement of the informant and other witnesses, it shows that the applicants/accused were present at the time of the incident. The injuries on the person of the deceased disclose that the applicant and the co-accused were armed with weapons. The spot panchanama discloses that the company premises was used

and the machinery was destroyed. This incident has taken place in the company where the complainant and the other witnesses were employed. There is a counter case filed by the applicants/accused against the complainant and the other persons. Further, there is a delay in admission. However, these can be considered at the stage of trial.

5. In the circumstances of the case, the bail applications are rejected. However, as the charge is already framed, the trial Judge is requested to commence and endeavour to conclude the case within a period of 9 months from today.

6. Bail applications are disposed of accordingly.

(MRIDULA BHATKAR, J.)