

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1887 OF 2016**

Ramdas Baban Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Vaibhav V. Ugle for the Applicant

Mr. A. R. Kapadnis, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 22nd DECEMBER, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. This is the third bail application. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 198 of 2012 registered with the Paud Police Station, Pune, for the alleged offences punishable under Sections 302, 120B, 143, 147, 148, 149 of the Indian Penal Code, 1870 and under Section 4(27) of the Arms Act.
3. In the first bail application preferred by the applicant i.e. Bail Application No. 1764 of 2014, this Court (Coram : P. D. Kode, J.) vide

order dated 19th November, 2014, had directed the trial Court to complete the trial at the earliest. The second bail application being Criminal Bail Application No. 424 of 2015 was disposed of as withdrawn vide order dated 26th August, 2015. It is mentioned in para 3 of the said order as under:

“3. After arguing for some time, learned Counsel for the applicant seeks leave to withdraw the application. Accordingly, the application is disposed of as withdrawn.”

However, vide the aforesaid order, the applicant was granted liberty to file a fresh application, if the trial does not conclude for no fault of the applicant, within one year.

4. Learned Counsel for the applicant states that the trial has not commenced and that the case is pending since 2014. He states that the charge was framed in the said case on 24th August, 2016 and there has been no progress in the case. He submits that although there are eye-witnesses in the said case, only the complainant has disclosed the name of the applicant, whereas, the other two eye-witnesses have only spoken about the incident, but have not disclosed the name of the applicant. He further

submits that although there is a recovery of a sickle at the instance of the applicant, there is no Chemical Analyser's report, which is on record.

5. Perused the papers. The statement of the complainant-Santosh Pandurang Chandilkar dated 23rd December, 2012 clearly shows the complicity of the applicant. The first informant-Santosh Pandurang Chandilkar has stated that on 23rd December, 2012, at about 6:30 p.m., he witnessed the present applicant along with the others assaulting the deceased with koyta. He has stated that after he along with others raised hue and cry, all the accused ran in a white car towards *Ghotawde Phata*. There are two more eye-witnesses who have seen the same incident. There is recovery of a blood stained sickle at the instance of the applicant. The post-mortem report shows that the deceased had suffered four injuries behind his ear, neck, head, etc. There was fracture of the right parietal bones and exerital bones and that the brain coverings and brain matter had come out of the said fracture. The cause of death was due to cardio-respiratory arrest due to hypo volume shock due to massive haemorrhages from grievous injuries on scalp region.

6. Considering the material as against the applicant, this is not a fit case to enlarge the applicant on bail. Accordingly, the application is rejected and is disposed of.

7. Trial is expedited. The trial Court to conduct the trial on its own merits, uninfluenced by the observations made in the aforesaid order.

8. The Superintendent, Yerwada Central Prison, to ensure that the applicant and all other accused are produced on every date before the trial Court, so as to facilitate the learned Judge to proceed with the case.

9. Learned A.P.P to communicate the above order to the Superintendent of Yerwada Central Prison. Learned Counsel for the applicant to produce copy of this order before the learned Judge.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE,