

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2979 of 2021

Ramdas Kisan Paradhi .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr.Ajit R. Pitale for the applicant.
Mr. S.H.Yadav, APP for the State.
PC Shri U.M. Purnekar from Kulgaon, P.stn, Thane Rural.

CORAM: BHARATI DANGRE, J.
DATED : 29th JULY, 2022

P.C:-

1 The applicant is charge-sheeted for the offence punishable u/s.302 r/w Section 34 of the IPC along with six other accused persons. The complaint is filed by one Vijay Somnath Paradhi, who reported that on 23/8/2015 at 8'0 clock in the morning, he went to the vegetable market along with his father for loading vegetables and all of a sudden, he noticed that his father was lying near the Activa and blood was oozing from his head. With the assistance of the persons present, he took him to the hospital where he breathed his last.

2 Vijay Hadap who was present on the spot, reported to the police that while he opened his shop in the morning hours

and was cleaning it, he noticed that in front of his shop, a quarrel was taking place between Somnath Paradhi and Ramdas Paradhi and his friends. It aggravated, and Ramdas Paradhi and his associates assaulted Somnath on his head by means of a sword which they were carrying. It is alleged that apart from the present applicant, the persons present also assaulted Somnath and he fell down and the witness suspected that he was dead. Thereafter, the assailants left the place along with the swords. His son arrived at the spot and took his father to the hospital on his Activa.

Vijay Hadap is the sole eye witness, but he has named the present applicant and also stated that the deceased was assaulted by means of sword by him and the associates. Unfortunately, the prosecution has not bothered to identify the associates present with the applicant, who are alleged to have assaulted the deceased.

3 The post mortem report reflect fracture to the occipital bone and it refers to comminuted type of multiple fracture showing fragments. The cause of death has been ascertained as “death due to hemorrhagic shock due to head injury caused by hard and sharp object”

There is also recovery of blood stained clothes from the applicant but the report of analysis is not done.

4 Considering the role attributed to the applicant by the sole eye witnesses, looking to the gravity of the accusations where

the deceased has been murdered in broad day light and the complainant has referred to the previous animosity between the two families, the applicant do not deserve his release on bail.

5 The learned counsel is perfectly justified in submitting that the applicant came to be arrested on 23/8/2015 i.e. the day of the incident and since then, he is incarcerated. He state that all other accused are released on bail.

The learned APP do not dispute that till date, charge has not been framed. The applicant cannot be remain incarcerated indefinitely and it is the duty of the prosecution to provide him a speedy trial though I have expressed my disinclination to release the applicant on bail.

6 In the wake of the specific role attributed, where the aged person has been done to death by brutally assaulting him in broad day light, but since to be tried expeditiously is his right, the Addl. Sessions Judge, Kalyan is directed to frame a charge in Sessions Case No.403/2015 within a period of two months.

The Investigating Agency shall ensure the presence of the applicant before the Court on the concerned date. On framing of charge, the learned Judge shall make every endeavour to conclude the trial within a period of eight months from today.

Application is disposed off.

(SMT. BHARATI DANGRE, J.)