

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3102 OF 2022

Bhimraj Laxman Thorat .. Applicant
Versus
The State of Maharashtra .. Respondent

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Adv. S T Pandey a/w. Arvind Singh, Anima Mishra, Angela Singha, Nagesh Avhad, Kajal Upadhyay, Ritu Singh i/b SBG Law for the applicant.

Ms. Anamika Malhotra, APP for the State.

Mr. Mukesh Nikam, PC, Yeola Taluka Police Station.

CORAM: BHARATI DANGRE, J.

DATED : 13th MARCH, 2023

P.C:-

1 The second bail application was rejected by me on 2/05/2022, once again reiterating the role attributed to the applicant in the complaint, when he fired at Parashuram, resulting in a gunshot injury over right chest wall with multiple pellets penetrating through entry wound. The said injury described as 'CLW' is grievous in nature. Hence, I rejected the application, on second time. However, though I had expressed my disinclination to entertain the application on merits, I had reserve the liberty in the applicant, to move before this Court, if charge is not framed within period of 6 months from date.

2 Against this order, the applicant approached the

Hon'ble Apex Court, pursuant thereto on 21/10/2022, Their Lordships of the Apex Court referred to the liberty conferred and expected the charge to be framed as stipulated in the order dated 2/05/2022.

3 This is a third bail application filed since there is no compliance of the order dated 2/05/2022, and since charge was not framed within period of 6 months, the applicant seek his release on bail.

No doubt long incarceration, awaiting the trial, has grossly affected the right of the accused. However, at the same time, the gravity of the accusations and its seriousness must also be looked at, particularly in a case, like this where the applicant claim to be a retired army personnel, and being having an armed license, in a heat of anger, went inside the house, when some altercation was going on between Laxman and his son Gorakhnath and he caught hold of a gun and fired at Parashuram, who had came to resolve the discord, who sustained an injury on the right side of his chest and fell to the ground.

4 Looking to the gravity of the situation, and particularly looking at the nature of injuries sustained by Parashuram, I still maintain my earlier opinion, that the applicant do not deserve his release on bail. His long incarceration, particularly, when his arrest is effected on 2/2/2020 is taken cognizance and the Sessions Judge, Niphad, who is seized of the case is directed that on 23/03/2023, since it is informed by the learned APP that the case is fixed for framing of charge, the learned Judge shall, in any eventuality, complete the said stage,

of framing of the charge, thereafter the Court shall give priority to the Sessions Case in which the applicant is arraigned as an accused and since it is informed that 21 witnesses have been cited by the prosecution, it shall conclude the trial by conducting it on day-to-day basis, within a period of 1 year from the date of passing of this order.

(SMT. BHARATI DANGRE, J.)