

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.3481 OF 2023

Dadu Bhiva Kedari

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Bhalchandra S. Shinde, Advocate, for the Applicant.

Mr. Savita M. Yadav, APP, for the Respondent – State.

Mr. Vivek Arote, Advocate, for the Intervenor.

Mr. A.L. Ambekar, P.C.-B.No.473, Talegaon M.I.D.C. Police Station, present.

CORAM : MADHAV J. JAMDAR, J.

DATE : 07.03.2024

P. C.

1. Heard Mr. Shinde, learned Counsel for the Applicant and Ms. Yadav, learned APP for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	102 of 2020
2.	Date of registration of F.I.R.	10.09.2020
3.	Name of Police Station	Talegaon M.I.D.C. Police Station, Pune district.
4.	Sections invoked	302 r/w. 34 of the I.P.C., 1860
5.	Date of incident	09.09.2020
6.	Date of arrest	10.09.2020
7.	Date of filing of Charge-sheet	02.12.2020

3. As per the prosecution case, Accused No.2–Laxman Dadu Kedari (son of the Applicant) suspected that his wife was in a relationship outside of marriage with one Sunil Kevale. The said Sunil was a friend of the deceased–Bhaguji Kedari because of which Accused No.2–Laxman held a grudge against the deceased and said Sunil, and was also avoiding any contact with them. The incident in question occurred on 09.09.2020 when the Applicant i.e. Accused No.1–Dadu Bhiva Kedari assaulted the deceased–Bhaguji with a wooden rod. Accused No.2–Laxman assaulted the deceased with a knife and Accused No.3–Arun Dadu Kedari (other son of the Applicant) assaulted the deceased–Bhaguji with fist and kick blows. The Post-Mortem Examination Report shows that the cause of death is ‘traumatic **haemorrhagic** shock due to multiple stabbed wounds on chest and abdomen’.

4. Mr. Shinde, learned Counsel appearing for the Applicant submitted that death is not due to assault by the Applicant and by Accused No.3. He submitted that the incident in question has taken place as wife of Accused No.2–Laxman was in a relationship outside of marriage with one Sunil Kevale and the Accused No.2 was under the impression that the deceased–Bhaguji was aiding said Sunil in the said relationship. He submitted that there are no antecedents.

5. On the other hand, Ms. Yadav, learned APP appearing for the Respondent-State pointed out the statements of Manoj Tukaram Khude, Sunil Mahalungkar Kevale and Baban Dadu Sapre who are eye-witnesses and submitted that the Applicant had assaulted the deceased. Therefore, she submitted that bail may not be granted to the Applicant.
6. However, a perusal of the record shows that the date of incident is dated 09.09.2020. F.I.R. was lodged on 10.09.2020 and the Applicant was apprehended on 10.09.2020. Charge-sheet was filed on 02.12.2020. There is no progress in the trial even after a period of 3 ½ years after the arrest of the Applicant. Even charge is also not framed yet.
7. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.
8. The Applicant does not have any criminal antecedents.
9. The Applicant does not appear to be at risk of flight.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant - Dadu Bhiva Kedari be released on bail in connection with C. R. No.102 of 2020 registered with the Talegaon M.I.D.C. Police Station, Pune on his furnishing P. R.

Bond of Rs.10,000/- with one or two sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Talegaon M.I.D.C. Police Station, Pune once a month, on first Sunday of the month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

11. The Bail Application is disposed of accordingly.

12. It is clarified that the observations made herein are *prima facie* and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]