

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 943 OF 2020

(Dilip s/o Dedar Pawar & 2 Ors. vs. The State of Maharashtra thr. PSO, Arni, Tq. Arni,,
District - Yavatmal)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Amol Deshpande, Advocate for the applicants.
Mrs. S. Jachak, APP for the non-applicant – State.

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CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 17, 2020.

Heard Shri Deshpande, learned counsel
for the applicants and Mrs. Jachak, learned APP for
the non-applicant – State.

2. The applicants, prior to filing of present application, faced rejection of their application by this Court on merits. The second Bail application by the applicant – Arvind Kisan Rathod, along with co-accused Sonam Chavan came to be withdrawn on the ground that the trial is commenced, vide order dated 15.01.2019 in Criminal Application (BA) No. 959 of 2018. Immediately after three days, the trial Court entertained the application of the co-accused Sonam Chavan and granted him bail. The present applicants seek bail on the ground of parity.

3. Here, the parity would not be applicable for the reason that the learned trial Court, without considering the fact that this Court rejected the bail application of all the other co-accused and the application of the co-accused – Sonam Chavan came to be withdrawn, on the ground of trial is commenced, allowed the bail application of the Sonam Chavan.

4. The reason for granting bail to the co-accused – Sonam Chavan is that there are change of circumstances in the nature that the progress of trial is very slow and the accused has right of speedy trial.

5. It appears that the fact of order of this Court dated 15.01.2019 was not communicated to the trial Court at the time of passing of the order. However, the trial Court rejected the applications of other co-accused stating that the parity is not applicable for the reason that at earlier stage the prosecution was slow in progress of the trial as the accused persons preferred bail applications, one after another.

6. Be that as it may, the fact remains that only two witnesses are remained to be examined and the trial is at its fag end.

7. Considering the earlier rejection and withdrawal order, this court is not inclined to grant them bail. Hence, the present Criminal Application is rejected. However, the trial in the case is expedited.

JUDGE

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