

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

Criminal Application (BA) No. 889 of 2021

[Wasudev Pandurang Sawarkar ..vs.. State of Maharashtra through P.S.O. P.S. Jalamb, Tq. Khamgaon,
Distt. Buldhana]

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

Court's or Judge's orders

Mr. A. J. Thakkar, Advocate for the applicant
Mr. N. R. Rode, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 07-09-2021

The applicant is seeking bail in connection with Crime 134/2017 registered with Police Station, Jalamb, Tq. Khamgaon, District Buldhana for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

2. Briefly, it is alleged that there was an altercation between Gajabai and the accused on 19-8-2017 on the issue of grazing cattle in the field and during the course of the altercation, the applicant inflicted axe blows on vital parts which caused instantaneous death.

3. While the learned counsel for the applicant Mr. Thakkar submits that the co-accused are released on bail, I am not inclined to invoke the principle of parity

since the roles attributed are totally different. While releasing the co-accused, this Court noted that the limited role assigned was that they held Gajabai and it was the applicant who dealt the axe blows. This Court indicated to the learned counsel that it would be inappropriate to exercise discretion in favour of the applicant and the alternate submission is, that considering that the applicant is in custody since 19-8-2017, the trial may be expedited.

4. The submission is reasonable. I have perused the order sheet and it is clear that the trial is taking its own time to reach the logical conclusion. Since the applicant is in custody, the trial will have to be expedited.

5. While I am not inclined to grant bail, at this stage, the learned trial Court is requested to proceed with the evidence and conclude the trial as expeditiously as possible, and in any event, within the next eight months. If there is no significant progress in the trial in the coming six months, the applicant shall be at liberty to approach this Court for bail afresh.

6. The application is disposed of.

JUDGE

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