

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR

CRIMINAL APPEAL NO. 442 OF 2020

(NILESH MAHADEVRAO TADAS...VS.. STATE OF MAH.THR.PSO PS SELOO, WARDHA & ANR.)

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

Court's or Judge's orders

Shri P.R. Agrawal, Advocate for Appellant.
Shri T.A.Mirza, A.P.P. for Respondent No.1.

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.

DATED : APRIL 09, 2021.

Heard.

2. This is an appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as "Act of 1989") challenging the order dated 28/05/2020 passed in Criminal Bail Application No. 218 of 2020 in connection with F.I.R. No. 530 of 2019, filed under Sections 302, 404 and 201 of the Indian Penal Code and Section 3(2)(v) of the Act of 1989.

3. The First Information Report came to be registered against the unknown persons. During the investigation, it is revealed that the appellant assaulted the deceased person by using stone. It is further alleged that the appellant had made extra-judicial confession and there is discovery. It is alleged that during the investigation the Investigating Officer recovered the blood stained clothes at the instance of the appellant. The appellant came to be arrested on 02/01/2020. The appellant, therefore, filed Misc. Bail Application No.218 of 2020 before the Sessions Judge, Wardha. The learned Additional Sessions Judge, Wardha by impugned order dated 28/05/2020 has rejected the

application under Section 439 of the Code of Criminal Procedure filed by the appellant. The appellant has, therefore, filed the present appeal.

4. This Court on 28/01/2021 issued notice to the respondents.

5. We have carefully considered the impugned order dated 28/05/2020. On careful consideration of the impugned order and the material brought on record by the applicant by way of charge-sheet, it appears that though there are no eyewitnesses to the incident, the learned Sessions Judge has rejected the bail application on the ground that there is extra-judicial confession made by the appellant. On careful perusal of the material brought on record, we are satisfied that at this stage the order passed by the Additional Sessions Judge does not require interference at the hands of this Court. However, since the appellant is in jail from 02/01/2020, the interests of justice would be sub-served if the learned Sessions Judge, Wardha is directed to conduct and conclude the trial expeditiously.

6. We, therefore, pass the following order:

- i) Criminal Appeal No. 442 of 2020 is **dismissed**.
- ii) The learned Additional Sessions Judge, Wardha shall conduct and conclude the trial on or before 30th July 2021.

(AMIT B. BORKAR, J.)

(Z.A.HAQ, J.)