

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

CRIMINAL APPLICATION (BA) 1196OF 2020

(Arun Wamanraoji Khodke..vs.. State, thr PSO, PS Wardha City)

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

Court's or Judge's orders.

Mr. A.A. Dhawas, counsel for applicant.
Mr. M.K. Pathan, APP for Non-applicant/State.

CORAM: ROHIT B. DEO, J.
DATE:10.08.2021.

Heard.

2. The applicant is facing extremely grave accusation of strangulating and / or smothering his wife to death.

3. The applicant approached the learned Sessions Judge for grant of bail, which application came to be rejected by a well reasoned order.

4. The applicant then approached this Court vide Criminal Application (BA) 331/2020, which is rejected by this Court (Coram : Shri M.G. Giratkar, J.) vide order dated 27.7.2020.

5. This Court recorded elaborate reasons for denying bail and while rejecting the application, further observed that if the trial does not commence within three months, the applicant shall be at liberty to apply for bail before the trial Court.

6. Surprisingly, the order dated 27.7.2020 was not brought to the notice of the trial Court. The applicant accused conveniently slept over the order, and has preferred this application making a capital of the fact that due to the pandemic situation, the trial did not progress.

7. In my considered view, there is absolutely no room to exercise discretion in favour of the applicant. There is overwhelming material on record to link the applicant with the alleged crime. Version of the witnesses who speak of the fact that the deceased was weeping and at the relevant time signs of quarrel / altercation were perceptible, is consistent. The medical and scientific evidence shows that the helpless woman was smothered to

death. The deceased, in a sense, died in the custody of the applicant and there is absolutely no other explanation for her death, at the house, to which the applicant alone had an excess. These observations are made for the limited purpose of deciding entitlement to bail, and are of prima facie nature.

8. Considering the pandemic and the work pressure on the trial Courts, it would be utopian to expect a time bound trial and apart from the fact that the applicant accused, adopted a sharp practice and did not communicate the order of the High Court to the trial Court, there is absolutely no delay as would entitle the applicant to bail on the anvil of the right to speedy trial enshrined in Article 21 of the Constitution of India.

9. The application is absolutely unmerited and is dismissed.

10. It is made clear that the trial shall be taken up, in due course, and not as a time bound trial.

11. The Registry shall ensure that copy of this order is forwarded to the trial Court within the next 72 hours.

Judge

Belkhede