

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

Criminal Application (BA) No. 1186 of 2021

(Raja S/o Santosh Gedam ..vs.. State of Maharashtra through P.S.O., P.S. Kalamna, Nagpur)

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

Court's or Judge's orders

Mrs. Mayuri Kulkarni Dharmadhikari, Advocate for the applicant (appointed)
Mr. M. K. Pathan, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 23-12-2021

Heard learned appointed counsel Mrs. Mayuri Kulkarni Dharmadhikari and learned Additional Public Prosecutor Mr. Mehroz Pathan for the non-applicant.

2. The applicant is seeking bail in Crime 215/2021 registered with Police Station, Kalamna, Nagpur for offences punishable under Sections 307, 323, 341, 143, 147, 148 and 149 of the Indian Penal Code, Sections 4, 25 and 27 of the Indian Arms Act and Section 135 of the Maharashtra Police Act.

3. Briefly stated, the prosecution alleges that between 8.00 p.m. and 9.00 p.m. on 12-3-2021, the informant and Manoj Lilhare were proceeding towards Masjid besides Trikoni Ground, Dipti Signal on two wheeler. Manoj was riding pillion back. As the

complainant and Manoj reached the Masjid, co-accused Kapil Maskare accosted them and initially, assaulted Manoj with fists blows. Kapil was joined by applicant Raja Gedam and the other co-accused. They assaulted the complainant and Manoj with sword and stones.

4. This Court granted bail to co-accused Sunny and the opening submission is that the principle of parity is attracted. However, the learned Sessions Judge, who rejected the bail, rightly observed that the role attributed to the present applicant cannot be compared to the co-accused released on bail. While co-accused is not attributed any specific role in the assault, it is the applicant who grievously injured the informant Arvind with knife. The blood smeared clothes of the applicant are seized.

5. The applicant does not have clean record and Crime 184/2017 for offence punishable under Section 325 is already registered against him. Considering the material on record, *inter alia*, the statements of injured

and the eye witnesses, and the propensity to commit crime, no discretion can be exercised in favour of the applicant.

6. The application is dismissed.

7. The learned trial Judge is requested to conclude the trial as expeditiously as possible. If there is no significant progress in the trial in the next six months, the applicant shall be at liberty to revive the prayer for bail. The liberty is subject to two conditions. The first is that this order shall be brought to the notice of the trial Court by the applicant or his counsel within the next seven days and the second condition is that the delay in trial, shall not be, attributable to any of the accused.

8. The fees of learned appointed counsel for the applicant Mrs. Mayuri Kulkarni Dharmadhikari be quantified and paid in accordance with the rules.