

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

CRIMINAL APPLICATION (BA) NO. 1161/2021

(Suraj S/o Sudhir Meshram Vs. State of Maharashtra)

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

Court's or Judge's orders

Shri Sameer Sonawane, Advocate for applicant.
Shri S. M. Ghodeswar, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATED : 04.12.2021.

Heard

2. This is an application seeking for regular bail in Crime No. 296/2019 registered with the Police Station Shantinagar, Nagpur for offence punishable under Sections 143, 144, 147, 148, 149, 302 of the Indian Penal Code and Section 135 of the Maharashtra Police Act. The State resisted this application by filing reply affidavit.

3. Earlier, the same applicant had approached this Court for regular bail vide Criminal Application (BA) No. 265/2021. After hearing the matter, this Court has shown its non-inclination to grant relief. Hence, the application was withdrawn which is evident in order dated 03.05.2021. Now this Court can entertain this application only, if the applicant would satisfy that there are substantial change of circumstances. First change in circumstances is about claiming benefit of rule of parity. On this count, the applicant has submitted that co-accused namely Rocky @ Jitendra was released by this Court vide order Dated 20.10.2021. It reveals from said order that this Court considered the role of Rocky as assaulted by

means of iron rod. Moreover, this Court has applied the rule of parity with one another co-accused Adarsha Dhoke who has allegedly inflicted tiles at the head of deceased. Bare perusal of the Police Report indicates that role of applicant Suraj is of inflicting knife blow at stomach as well as at chest of the deceased. Hence, being different role, the rule of parity would not apply.

4. To the next, applicant also seeks parity with one another co-accused Nilesh @ Nikhil @ Haadyaa Meshram released by this Court vide order dated 08.09.2020. In-fact, said ground is not available since thereafter, first bail application was withdrawn by the applicant. However, after re-visiting to the Police Report, it reveals that allegation against applicant are of grave nature. The ground of parity which was earlier available cannot be re-agitated, hence, I disagree with the said submission.

5. The next ground is about delay in holding trial. The applicant was arrested on 30.08.2019 since then he is in Jail. Certainly, the delay in holding trial touches to the right of speedy trial. However, on said sole ground, at this stage, I do not deem it fit to release applicant on bail. In that regard, certain directions can be issued. Hence, following order:-

(I) Application stands rejected and disposed of.

(II) Learned Trial Court is requested to expedite the Trial and dispose of the same within six months from the communication of this order.

JUDGE