

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

CRIMINAL APPLICATION (BA) NO.1124 OF 2021

(Rajat Bhagwandas Pali Vs. The State of Maharashtra thr. PSO PS Pachpaoli, Nagpur)

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

Court's or Judge's orders.

Mr. M. N. Ali, Advocate for Applicant.
Mr. N. S. Rao, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE OF RESERVING THE ORDER : 30.11.2021
DATE OF PRONOUNCING THE ORDER : 04.01.2022

The applicant is seeking bail in connection with Crime 11/2017 for offences punishable under Sections 302, 307, 143, 147, 148, 149, 109 and 201 of the Indian Penal Code and Section 4 and 25 of the Arms Act.

2. The prosecution case is that Rohit Wankhede lodged report at Police Station Pachpaoli, on 05.01.2017.

3. The incident, as narrated by the informant Rohit Sanjay Wankhede, occurred in the morning of 05.01.2017. Rohit Wankhede and his employee Sumeet were preparing garland of flowers, at Rohit's shop at Kamal chowk. Gaurav Darwade and his friends Lucky alias Abhijeet Kamble and Samay Shende were having *kharra* (combination of betel leaf and areca nut with or without tobacco) at the pan shop of one Gulshan Wankhede,

adjacent to the flower shop of the informant. Applicants Rajat Pali, Bhagwandas Pali, Kalu Khare, Kalaya Motghare, Aniket Meshram, Pande Pilewan, Satish and others came there armed with lethal weapons and started abusing and assaulting Gaurav and Lucky alias Abhijeet Kamble. Gaurav was pleading with the assailants to spare his life. However, the assailants continued with the assault and Gaurav and Lucky alias Abhijeet Kamble started running towards the direction of Pachpaoli Police Station. The assailants blocked their way near the Munmun General Stores and continued the assault. The informant and Gulshan Wankhede ran towards the assailants and tried to rescue the victim, but in vain. In the process, the knife which the applicant was yielding caused injury to the left hand of the informant. A specific role is attributed to the applicant Rajat of inflicting several stab wounds on vital organs, with knife.

4. The learned counsel for the applicant Mr. Mir Nagman Ali would argue that the trial is proceeding at a snail's pace and only six witnesses are examined. It is argued that the slow pace of the trial is violative of the applicant's right to speedy trial, which is a facet of Article 21 of the constitution. It is difficult to accept the submission that the applicant is entitled to bail. The trial has commenced. Now the pandemic is under reasonable control, it can be safely assumed, that the trial shall proceed at sufficient pace. Several witnesses are already examined.

Gaurav died due to the injuries suffered and Abhijeet was seriously injured. I am consciously refraining from considering the material on record, particularly since the trial has commenced. However, considering the brutal nature of the assault, the version of the eye witnesses and the role attributed to the applicant, and the material on record, no case for grant of bail is made out.

5. The application is dismissed.

6. The trial court is requested to proceed with the trial expeditiously.

JUDGE

NSN