



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

CRIMINAL APPLICATION (BA) NO.47 OF 2025

(Devidas @ Deva s/o Bhaiyyaji Naukarkar Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.B. Taywade, Advocate for the applicant.
Ms R.V. Sharma, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- FEBRUARY 13, 2025

By this application, the applicant is seeking bail in connection with Crime No.393/2021 registered with Police Station Warora, District Chandrapur for the offences punishable under Sections 302, 201 and 506 read with Section 34 of the IPC and Sections 3, 4 and 25 of the Arms Act, 1959.

2. The application is mainly on the ground that there is a delay in trial as the applicant is arrested on 16/05/2021 and since then he is behind bar.

3. The crime is registered on the basis of the report lodged by Mujahid Chand Sheikh alleging that his brother was doing the labour work and on the day of incident i.e. on 15/05/2021 he received the information that his brother was assaulted by the present applicant and other unknown persons. He immediately rushed to the spot of incident and found his brother lying in the pool of blood. He made enquiry with the friend of his brother and it reveals to him that the present applicant and his friends committed the murder of the deceased. On the basis of the said report, police have registered the crime

against the present applicant. As far as the merits of the matter is concerned, the application is filed on the ground of delay in trial. There is no dispute as to the fact that since more than 4 years, the applicant is behind bar, therefore, the report of the District Judge was called. The said report shows that trial is at a fag end i.e. for recording the statement. Vide direction in order dated 15/01/2025 two months period was granted to the District Judge-1 and Additional Sessions Judge, Warora for disposing the trial without seeking any further extension and thus the trial is now at the stage of recording the statements of the witnesses.

4. Learned Counsel for the applicant pointed out that the matter was listed on 12/02/2025 and no statements were recorded.

5. Learned Sessions Judge shall record the statements and as per the directions shall dispose of the trial at the earliest.

6. Considering the fact that the trial is at the fag end. If the accused is released on bail at this stage, there would be an impediment to dispose of the trial at the earliest. In view of that, the application is rejected with direction that the learned District Judge-1 and Additional Sessions Judge, Warora shall conclude the trial at the earliest and shall not seek further extension.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)