



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

CRIMINAL APPLICATION (BA) NO.154 OF 2025

Nitesh s/o Laikdas Meshram

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Gadchiroli District Gadchiroli

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, Counsel for the applicant.

Mr. N. B. Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 27/06/2025

1. The applicant is seeking bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Crime No.1052/2021 registered with Police Station Gadchiroli, District Gadchiroli for the offence punishable under Sections 302, 380, 120-B and 460 read with Section 34 of the Indian Penal Code.

2. As per the allegation, on 20.12.2021 the informant lodged the report stating therein that on 19.12.2021 he had gone to attend Teravi function of his in-laws and his son namely Subodh was asked to stay at home. On next day at about 3.30 p.m. when he returned to home, he found that his son was lying dead and his hands were tied and blood was oozing from his nose and mouth. It further revealed to him

that there was theft of golden ornament and while committing the theft, the murder of his son was committed. Accordingly, on the basis of the said report, the FIR was registered. During the investigation, the involvement of the present applicant is revealed and thereafter he was arrested.

3. Initially, the applicant has preferred the Criminal Application (BA) No.1068/2022 which came to be rejected. Now, this application is filed mainly on the ground of delay in trial. The another ground raised by the learned Counsel for the applicant that at the initial stage, the panchnama dated 24.12.2021 was not brought to the notice of this Court and therefore, the bail application was rejected and further submitted that it was shown that the place where the ornaments were kept was not within the knowledge of the police, but in fact, it shows that it was within the knowledge of the police and, therefore, no *prima facie* case is made out against the present applicant. In view of that, the application be allowed and the applicant be released on bail.

4. Per contra, learned APP strongly opposed the said application on the ground that on merits the initial application was rejected. As far as the delay in trial is concerned, three witnesses are already examined and he placed reliance on **X Vs. State of Rajasthan & Anr. in Special Leave Petition (Criminal) No. 13378 of 2024 decided on**

27.11.2024 wherein the Hon'ble Apex Court has considered that "ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused."

5. On hearing both sides and on perusal of the earlier order passed by the Coordinate Bench as well as on perusal of the investigation papers, it reveals that the entire case is based on circumstantial evidence. To connect the present applicant with the alleged offence, recovery of ornaments from the applicant, which has been identified is a strong circumstantial evidence and the statement of the parents of the applicant shows that applicant had knowledge that the deceased was alone at the home and his parents will not return back home till next day.

6. Thus, considering the *prima facie* material, the earlier bail application was rejected. Similarly as far as the delay in trial is concerned, the trial is already progressed and three witnesses are already examined. In view of the observation of the Hon'ble Apex Court, no case is made out for grant of bail as there is no change in circumstance, *prima facie* there is sufficient material to connect the present applicant with the alleged offence. At this stage, the

appreciation of the evidence is not required. What is to be seen whether there is a *prima facie* material or not. Since the offence is serious and there is every possibility that the applicant will tamper with the prosecution evidence, the earlier bail application was rejected. That apprehension is still in existence, in view of that, the application deserves to be rejected. According, I proceed to pass following order.

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)