



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

CRIMINAL APPLICATION (BA) NO. 670 OF 2025

Saurabh Bastaram Pandhram 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. Z.Z. Haq, counsel for applicant.

Mr. D.V. Chauhan, PP/Senior Counsel with Mr. Amit Madiwale, APP for State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/07/2025.

1. The applicant came to be arrested on 29/08/2023 in connection with Crime No. 570/2023 registered at police station, Hingana, District Nagpur for the offence punishable under Sections 143, 147, 148, 302, 323, 504, 506(2) read with Section 149 of the Indian Penal Code, 1860, read with Section 37 and Section 135 of the Maharashtra Police Act, 1951.

2. The crime is registered on the basis of the report lodged by informant, on an allegation that on 28/08/2023, the victim, Saksham, left for work at around 8.00 a.m., the younger son of the complainant, namely Aryan, left for his school, and the complainant left for her work at around 3.00 p.m. That the relatives of the complainant informed the complainant that someone has assaulted her son and her son Saksham is admitted in AIIMS Hospital. That, accordingly, the complainant left for AIIMS Hospital along with one

Pramod Shaniware and found that her son had sustained grievous injuries, and subsequently he succumbed to death. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant, who submitted that the other accused who is released on bail and the role attributed to him and the present applicant are similar, and therefore, on the ground of parity, the present applicant is entitled to be released on bail.

He further submitted that there is a delay in the trial. For the two years, no charge is framed against the present applicant. He further invited my attention towards the statement of the eyewitness and submitted that considering the role attributed to the present applicant and the other co-accused, the ground of parity is available to the present applicant, in view of that, the application deserves to be allowed.

4. Learned APP strongly opposed the said application and placed on record the order sheets of the District Judge-7 and Additional Sessions Judge, Nagpur, which discloses that the counsel of the accused, i.e., the applicant, was not present, and therefore, the charge could not be framed. He submitted that as the counsel of the accused was not present to make his submissions on the point of framing of charge, the charge could not be framed, as that opportunity is to be given to the

applicant/accused under Sections 226 and 227 of the Code of Criminal Procedure, 1973.

He further invited my attention towards the recitals of the FIR and submitted that the recitals of the FIR show that the deceased was chased by the present applicant and the other co-accused, and the present applicant has given a blow of a knife on his person. The deceased has sustained in all 16 injuries, and death of the deceased is due to the stab injury to the heart and lung. Thus, the stab injury is attributed to the present applicant. Thus, considering the gravity of the offence, the application deserves to be rejected.

He further submitted that the blood-stained knife as well as the blood-stained T-shirt were also seized at the instance of the present applicant. Thus, the ground of parity is not available to the present applicant.

5. On hearing both sides and on perusal of the investigation papers, it reveals that admittedly the deceased has sustained the 16 injuries. The statement of the eye-witnesses disclosed that the present applicant and the other co-accused chased the deceased when he was running from the spot of incidence to save himself, and the present applicant, who was holding a knife, has given repeated blows to the person of the deceased. The deceased has succumbed to death due to the stab injuries on his vital part of the body, i.e., chest. The

blood-stained clothes, i.e., the blood-stained shirt and the blood-stained knife, were also recovered at the instance of the present applicant. As far as the ground of delay is concerned, it reveals from the order sheet that it is the defense counsel at whose instance the trial is held up.

6. Moreover, as observed by the Hon'ble Apex court in the case of ***X Vs State of Rajasthan and another reported in Special Leave Petition (Criminal) No. 13378 of 2024 dated 27/11/2024***, wherein the Hon'ble Apex Court has observed that ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witness, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused. It is further said that, It is only in the event if the trial gets unduly delayed and that too for no fault on the part of the accused, the Court may be justified in ordering his release on bail on the ground that right of the accused to have a speedy trial has been infringed.

7. In the present case, it is apparent that it was the counsel of the accused, at whose instance the trial is delayed and the charge could not be framed. In view of that, the ground of delay is also not available to the present applicant/accused, and therefore, the

application deserves to be rejected. Accordingly, I proceed to pass the following order.

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]