



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

CRIMINAL APPLICATION (BA) NO. 841 OF 2025

Badal s/o Vasant Pradhan 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. Indrajeet S. Ghagarkar, counsel for applicant.
Mrs. Sneha Dhote, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/08/2025.

1. The applicant came to be arrested on 20/03/2019 in connection with Crime No. 127 of 2019 registered at police station Ajni, District Nagpur for the offence punishable under Sections 201, 302, 120-B read with Section 34 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of a report lodged by wife of the deceased on an allegation that she was residing along with the deceased in Plot No. 36, Phoolmati layout, in a tin-shaded hut along with her husband i.e. deceased. On 23/03/2019, around 4.30 a.m., the informant received a telephonic call from his brother, who asked him to come to the place of the deceased. Accordingly, the informant rushed there, and the second wife of the deceased was present. She informed them that she called on the mobile of the deceased, but his mobile phone was switched off.

Therefore, she came to meet the deceased, but could not find him in the hut. Instead, she noticed that the bedsheet on the bed was smeared with bloodstained. Therefore, she called the police officials who searched the area. However, the body of the deceased was found in a well near the hut. The deceased had several injuries on his neck and the other parts of his body, with his left leg was tied with a plastic bag having a big stone. Accordingly, the crime was registered against the unknown persons. During the investigation, the involvement of the present applicant is revealed, and therefore, he is arrested.

3. The learned counsel for the applicant submitted that the applicant has been in custody since 23/03/2019. As far as his involvement is concerned, the entire case is rested on circumstantial evidence; there is no direct evidence to connect him with the alleged offence. Though the trial is commenced and only ten witnesses have been examined, the prosecution is required to examine a total 35 witnesses. If the prosecution is permitted to conduct the trial in this matter, it would take a long time to dispose of the trial, and the right of the present applicant as to the speedy trial is violated, in view of that, the application deserves to be allowed.

4. Learned APP strongly opposed the said application and submitted that 10 witnesses are already examined by the prosecution and there is progress in the trial. Considering the nature of the trial, it is alleged that the present applicant, along with the other co-accused, assaulted the deceased and subsequently dragged him before disposing of the body by throwing it into a well. Blood-stained clothes and weapons were recovered at the instance of the present applicant during the course of investigation. The statements of the witnesses disclose that they have seen the present applicant and other co-accused coming out of the hut prior to the incident of the deceased. Thus, there is sufficient material to connect the present applicant in the alleged offence. In view of that, the application deserves to be rejected.

5. In support of her contentions, she placed reliance 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*.

6. After hearing both sides and on perusal of the investigation papers, it reveals that the FIR was lodged on the basis of a report lodged by the informant, who is the brother of the deceased. According to the report, he received a message that the deceased was not found in the house; therefore,

he went immediately at the spot of the incident and witnessed that one bedsheet was soaked with blood in the house. He immediately called the police; after the police came, the deceased was searched, and his dead body was found in the well.

7. During the investigation, the statements of the witnesses were recorded, and it revealed that the present applicant and other co-accused were coming out of the hut of the deceased, dragging him. Therefore, the present applicant was arrested. During investigation, a memorandum statement of the present applicant was recorded, and the alleged incidents of blood stains, clothes, and blood-stained papers were seized. From the statements of the witnesses and the circumstance that blood stains and blood-stained clothes of the present applicant were seized, the involvement of the present applicant is revealed.

8. Moreover, another ground raised by the present applicant is concerned, there is a delay in trial. The 10 witnesses are already examined by the prosecution witnesses. There is no dispute as to the right of the present applicant; he submitted that, but at the stage that the observation of the Hon'ble Apex Court in the case of *X Vs State of Rajasthan and another* (supra) requires to be noted here, 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 witnesses, the court, be it the trial court or the high court, should be loath in entertaining the bail application of the accused.

9. Considering the fact that now 10 witnesses are already examined and there is sufficient progress in the trial, the application deserves to be rejected. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is rejected.
- b] Considering the fact that the applicant is arrested on 23/03/2019 i.e. more than five years, the trial Court shall proceed with the trial and shall dispose of the trial at the earliest.

The criminal application is
rejected accordingly.

[URMILA JOSHI-PHALKE, J.]