



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

CRIMINAL APPLICATION (BA) NO.1251 OF 2024

(Satbirshing Khicchi (In Jail) Vs. State of Maharashtra thr. PSO PS Deoli, Dist.
Wardha)

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

Court's or Judge's orders.

Mr. Inamul Haque, Advocate for Applicant.
Mr. D. V. Chavhan, Senior Public Prosecutor with Mr. N. B. Jawade, APP for
Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 24th MARCH, 2025.

1. Heard.
2. The applicant came to be arrested on 02.01.2022 in connection with Crime No.2/2022 registered under Sections 302, 294, 506, 323, 201 read with Section 34 of the Indian Penal Code.
3. As per the allegation in the FIR by Kiran Vishnu Ghodmare that he was standing near the *pan stall* along with his brother. At the relevant time, he purchased eggs near the handcart of one Ganesh Trambke and when Ganesh Trambke asked them of money regarding the food items which they have taken. The present applicant and the other co-accused started quarreling with him and present applicant has took out the knife and gave a blow on his abdomen, due to which the deceased sustained the grievous injuries and succumbed to the death. On the basis of the

said report police have registered the crime against the present applicant.

4. Heard learned counsel for the applicant who submitted that as far as the identification of the present applicant is concerned there was no street light available in which the eye witnesses can witness the accused giving a blow. Merely on suspicion the present applicant is arrested. He further submitted that now there is inordinate delay in trial, the trial is just now commenced it would take its own time for its final outcome and the applicant is arrested long back prior to two years. He be released on bail.

5. Learned APP for the non-applicant strongly opposed the said application and invited my attention to the statement of eye witness Kiran Vishnuji Ghodmare and submitted that the statement of the informant and these eye witness clearly shows the involvement of the present applicant and on the trifle reason that on demanding the money of the food items which he has obtained from the deceased. The present applicant took out the knife and gave a forceful blow on the abdomen of the deceased. The deceased died due to the injury sustained by him. The premeditation as well as the post dues by the applicant from the nature of the deceased sufficiently shows his intention to cause the death. Now the trial is already commenced, four witnesses are already examined. In view of that, the application deserves to be rejected.

6. After hearing both the sides and on perusal of the investigation papers it reveals that the quarrel started

between the deceased and the present applicant on account of demanding the money of the eggs, which the present applicant has obtained from the handcart of the deceased and as the applicant has not paid the amount towards which is asked by informant on which the present applicant got angry and gave a forceful blow on the vital part of the body and caused the death of the deceased. Besides the informant there is an eye witness namely Kiran Vishnuji Ghodrmare who assigned the similar role to the present applicant. The blood stained knife is also seized at the instance of the present applicant. Thus, there is a direct evidence to show the involvement of the present applicant in the alleged offence. As far as the delay in trial is concerned the charge is framed against the present applicant on 13.12.2022. C.A. reports are filed on 21.11.2023 and *mudemal* is deposited on 13.03.2024. Evidence of four witnesses is already recorded. Thus, there is no delay in trial. As far as the delay in trial is concerned, the observation of the Hon'ble Apex Court in Special Leave Petition No.13378/2024 is relevant wherein the Hon'ble Apex Court held 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. 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. On perusal of the report of the District Judge-4 and Additional Sessions Judge, Wardha shows that the trial is already commenced offence is of serious nature. In view of the observation of the Hon'ble Apex Court, the application deserves to be rejected. Accordingly, it is rejected.

(URMILA JOSHI-PHALKE, J.)