



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

CRIMINAL APPLICATION [BA] NO. 281 OF 2026.

Suresh Chanduji Patrikar.

-VERSUS-

The State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri M.N. Ali, Advocate for the Applicant.

Shri A.Chutke, A.P.P. for the Non-applicant/State.

Shri R.S. Gade, Advocate h/f. Shri V.A. Darne, Advocate
Assisting Prosecution.

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 25, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.59/2022 registered with Yavatmal Police Station, Yavatmal for the offence punishable under Sections 143, 147, 148, 149, 302, 323, 324, 506, 120-B, 201 of the Indian Penal Code, Sections 3, 25 and 27 of the Arms Act and Section 135 of the Maharashtra Police Act.

3. The first information report was lodged by one Anuprita Divre, alleging that she is the Sarpanch of Gram

Panchayat Bhambraja. There was a dispute regarding election of the President of the College, wherein her husband was threatened with dire consequences. Report was lodged with the police and proceedings in that respect are pending before the Court. There was a drive to remove encroachments in the village, in which the encroachment by one Shri Jaiswal was removed. The applicant along with other co-accused went to the house of the informant and called upon them to restore the encroachment, when her husband refused to do so, Rohit Bhopde who was armed with a gun, fired two shots in the air, one at the wall and two at the chest and thigh of the informants' husband. The applicant had caught hold of the deceased, other accused assaulted her husband by means of an axe on his head, and by means of iron rod and fist and kick blows. When the informant went to save her husband, she was also assaulted by an axe by the accused persons. The accused persons also assaulted her son. The injured husband was taken to hospital, where he was declared dead, and therefore, the report came to be filed.

4. Basically the present application is filed on the ground of delay in trial and parity. This case has a checkered history. The applicant for the first time approached this Court by filing Criminal Application (BA) No.665/2022, and this Court by order dated

24.08.2022 has rejected the said application on merits. Thereafter, second bail application was filed before this Court vide Criminal Application (BA) No.782/2023, and again this Court by order dated 24.01.2024 rejected the said application filed by the applicant. The applicant thereafter, approached the Hon'ble Supreme Court by filing a Special Leave to Appeal (Cri) Nos.6573-6574/2024, wherein the Supreme Court has while declining to interfere with the impugned order, passed the following order.

“ Delay Condoned.

We are not inclined to interfere with the impugned judgment and hence, the special leave petitions are dismissed.

However, the petitioner has expressed concern that the chargesheet was filed in March 2022, but for more than two years ago, the arguments on charge have not been heard. We request the trial court to take up the case as expeditiously as possible.

Pending application[s], if any, shall stand disposed of.”

5. Thereafter, the applicant has approached the trial Court by filing an application at Exh.158 in Special Case No.69/2022 raising a ground of delay in trial. The learned Additional Sessions Judge, Yavatmal by his order dated 22.04.2025, rejected the said application of the applicant. The applicant again approached this Court by filing third application bearing Criminal Application (BA) No.682/2025, praying for grant of bail on the ground of delay in

trial, and this Court by its order dated 31.07.2025 rejected the said bail application by recording reasons in paragraph nos.12 and 15, which are as under :

“12. The Roznama on record shows that since 9.11.2023 various applications are filed including applications for grant of bail and for discharge. On some of occasions, the accused persons remained absent who are released on bail, and, therefore, the charge could not be framed. The Roznama further shows that adjournment applications are also filed by the accused persons for hearing on discharge applications.

13. ...

14. ...

15. In the light of the above observations, perusal of the Roznama reveals that the trial is delayed as various applications are filed by the accused persons including the discharge applications, on various occasions adjournments are sought, and on various occasions accused persons on bail were not present and, therefore, the charge could not be framed. Learned Judge of the trial court has also noted this fact and also noted that considering the accused is behind the bars for more than three years, charge can be framed expeditiously and the trial can be disposed of. The directions can be given to learned Judge of the trial court to dispose of the trial expeditiously by framing the charge.”

6. Thereafter again the applicant has approached the Supreme Court by filing Special Leave to Appeal (Cri) No.15223/2025, by raising the same ground of delay in trial,

however, the Supreme Court by its order dated 09.10.2025 has rejected his application by recording following observations :

“1. The High Court by the impugned judgment and order dated 31st July 2025, while refusing the petitioner’s prayer for bail, has noticed in paragraph no.12 and 15 thereof the reasons why the trial has been delayed.

2. We are not inclined to interfere with the impugned judgment of the High Court hence, the special leave petition stands dismissed.

3. However, the trial court may proceed for framing of charges as early as possible. Once the charges are framed, the petitioner shall be at liberty to apply afresh for bail before the trial Court.

4. Pending application[s], if any, shall stand disposed of.”

7. As liberty was granted to the applicant to apply afresh before the trial Court after framing of charge, the applicant accordingly moved an application after framing of charge at Exh.259 in Sessions Case No.69/2022, however, by order dated 29.01.2026, the trial Court has rejected the said application of the applicant. It appears from the record that the applicant has also moved an application for grant of interim bail on medical ground, however, said application also came to be rejected on the very same day i.e. 29.01.2026.

8. The learned Counsel appearing for the applicant submits that this Court by order passed in Criminal Application

(BA) No.1349/2025 dated 22.01.2026 has granted bail to one of the co-accused i.e. Vaibhav Prabhakar Sonankar, therefore, even present applicant deserves to be granted bail on the same ground on which bail was granted to Vaibhav. My attention is invited to observations recorded in paragraph no.7 of the said order. It is his further submission that merely the applicant has approached the Supreme Court, that by itself is not sufficient to deny him bail on parity. The Supreme Court has granted liberty to apply a fresh after framing of charges and therefore, the applicant has moved an application before the trial Court on the ground of delay in trial, however, the same was rejected. Lastly, it is his submission that considering the fact that the applicant is behind bars since 04.06.2022 and the fact that there is no substantial progress in the trial, the applicant be released on bail.

9. The learned A.P.P. appearing for the non-applicant / State and learned Counsel assisting prosecution have vehemently opposed the application by submitting that so far as parity is concerned, it is not applicable to the case of the present applicant in view of the fact that he has approached the Supreme Court and the Supreme Court has accepted the observations recorded by this Court in paragraph nos.12 and 15 of the order impugned before it, in respect of the present applicant, wherein his application on the

ground of delay was rejected. It is their submission that so far as the observations in the case of Vaibhav are concerned, the same will not be made applicable to the present case in view of the fact that the Supreme Court has confirmed the order of this Court passed in Criminal Application (BA) No.682/2025, which was rejected by this Court vide order dated 31.07.2025 of which the relevant observations are already reproduced above.

10. They further submit that time and again the applicant has approached the trial Court, this Court as well as the Supreme Court, however, his prayer for grant of bail was rejected by all the Courts. It is the applicant who has caused delay by filing various applications, and even this was observed in the order dated 31.07.2025, therefore, considering the observations by the Supreme Court, the observations recorded by this Court in the case of Vaibhav cannot be made applicable to the present applicant. They submit that the trial has substantially progressed and even three witnesses have been examined. Hence, they pray for dismissal of the application.

11. I have heard the rival submissions of the parties and with their able assistance gone through the relevant material on record. Admittedly for the first time the applicant has approached this Court by filing Criminal Application (BA) No.665/2022,

however, the same came to be rejected on merits on 24.08.2022. Thereafter, again the applicant approached this Court by filing Criminal Application (BA) No.782/2023, but, the same was also rejected on 24.01.2024. The applicant has thereafter approached the Supreme Court, and even the Supreme Court has declined to entertain the prayer of the applicant, however, it requested the trial Court to take up the trial as expeditiously as possible. The applicant has filed another bail application before the trial Court on the ground of delay in trial, and the same was rejected by the trial Court by its order dated 22.04.2025. The applicant again approached this Court by filing Criminal Application (BA) No.682/2025, and this Court by order dated 31.07.2025, has rejected said application. Against said order, the applicant once again approached the Supreme Court, however, the Supreme Court observed that the High Court by the impugned judgment dated 31.07.2025 while refusing the petitioner's prayer for bail, has noticed in paragraph 12 and 15 thereof the reasons why the trial has been delayed, and accordingly the Supreme Court has declined to interfere with the impugned order before it. Liberty was granted to the applicant to apply afresh before the trial Court once charges are framed. The order of the Supreme Court speaks in unequivocal terms that it has confirmed the reasons recorded by this Court in order dated

31.07.2025, which are already reproduced above. Thereafter, in view of the liberty granted to the applicant by the Supreme Court, he moved the trial Court again and even this time also the trial Court has rejected his application. As a result of which, the applicant is before this Court.

12. It appears from the record that though the Supreme Court has granted liberty to apply once again before the trial Court after framing of charge, however, now the trial has already commenced and three witnesses have been examined. Under such circumstances, and considering the above background, it is not desirable to grant bail.

13. However, if the observations of this Court recorded in case of Vaibhav is concerned, the same would not be made applicable to the present case in view of the fact that already the Special Leave to Appeal of the applicant was dismissed by the Supreme Court by confirming the reasons recorded by this Court in its order dated 31.07.2025.

13. Therefore, considering the above facts and circumstances that though the applicant is behind bar since 04.06.2022. The Supreme Court has already requested the trial Court to take up the case as early as possible, and accordingly now charges are framed and three witnesses have been examined. The

applicant has approached the Trial Court, this Court and the Supreme Court twice, and the Supreme Court has declined to consider his request for grant of bail on the ground of delay in trial, I am not inclined to consider his request for grant of bail on the same ground once again. Criminal Application is accordingly rejected.

JUDGE