



IN THE COURT OF SESSIONS JUDGE, GADCHIROLI
(Presided over by Shri V. R. Joshi)

Sessions Case No.37/2022

Exhibit No.47

[State of Maharashtra vs. Nitesh Meshram +1]
Applicant/Accused no.2 : Sumit Surendra Meshram

O R D E R (Below Exh.47)
(Passed on : 28th March 2025)

This is an application for bail by applicant/accused no.2 Sumit Surendra Meshram under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023. This is second application after filing of the charge-sheet. Applicant is arrested on 24.12.2021 in relation to Crime no.1052/2021 registered at Police Station, Gadchiroli, District Gadchiroli for offences punishable under Sections 302, 380, 120-B, 460 read with Section 34 of the Indian Penal Code.

2. It is alleged that the informant and his wife both were away from their house on 19.12.2021, their only son Subhodh was in the house. When they returned home next day, Subhodh was found murdered, golden ornaments were stolen from their house. The investigation revealed involvement of the present applicant/accused no.2 Sumit and another co-accused in this murder and theft of golden ornaments. Some of the golden ornaments are recovered from the accused. While rejecting the previous bail application (Exh.12) by order dated 12.8.2022, this Court had noted that

complicity of both the accused in this grave offence is clearly visible, therefore, the Court rejected their application for bail.

3. Shri Bramhanwade, Advocate for the applicant/accused submitted that the applicant is behind the bar since 24.12.2021. Till this date, there is no progress in the trial except that one witness is examined by the prosecution on 25.9.2023, seized muddemal is not produced by the prosecution. He submitted that the liberty of the applicant is important. He cited the order passed by the Honourable High Court in **Criminal Bail Application No. 1575 of 2024, Vijay Rajendra Bhosale vs. State of Maharashtra and Anr.** decided on 17th October, 2024 wherein the Honourable High Court had released the under trial prisoner on bail as there was delay in trial.

4. It is to be noted here that in the cited case, charge was not framed for long duration. This delayed the trial. In the present case, charge is framed on 26.6.2023. One witness is already examined on 25.9.2023. Subsequently, it was noticed that muddemal articles were not produced on record. The prosecution has produced the muddemal articles except a mobile phone, report in respect of which is awaited. Forensic reports regarding other aspects are already on record.

5. According to the Additional Public Prosecutor Shri Kumbhare, in this situation, bail on the ground of “delayed trial” would not be justified.

6. Having considered the submissions, this Court is of the view that the case is ready for trial and trial in fact has already commenced. Due to obvious reason noted above, trial could not

progress additionally. Successive Session Judges presiding over this Court have changed after short duration.

7. Considering the gravity of the offence, the prima facie involvement of the applicant which is already noted in previous bail application order, there is no change in the circumstances nor any reason to release the applicant on bail. Hence, following order.

ORDER

Application (Exh.47) is rejected.

Gadchiroli
28th March, 2025

(**V. R. Joshi**)
Sessions Judge, **Gadchiroli**