



**R.C.C./227/2024**

**State of Maharashtra Vs. Mandar Aniruddha Kolte and 16**

**ORDER BELOW EXH.141**

1) By the present application, the prosecution has prayed for separation of trial of Accused No.14 Rahul @ Sushim Gaikwad, Accused No.6 Dinesh Mishra and Accused No.8 Karan Rajora from other accused. It is submitted that, in spite of specific directions and issuance of various processes Accused No.6 and 8 are constatly remaining absent. It is further submitted that, Accused Rahul Gaikwad is taking treatment in hospital and due to his absence the matter could not proceed against the accused languishing in jail.

2) Perused the entire material placed on record, it is seen that, Accused No.1 Mandar Kolte, Accused No.3 Suraj Dey, Accused No.5 Mohammad Jawad Bora are languishing in jail since their arrest. It is seen that, Accused Mandar Kolte came to be arrested on 16.10.2023, Accused Suraj Dey came to be arrested on 18.10.2023 and Accused Mohammad Jawad Bora came to be arrested on 28.01.2024. It is seen that for more than two and half years, these accused are behind the bar. In the intervening period, the other accused viz. Mangesh Patekar, Alpesh Patel, Dinesh Mishra, Karan Rajora came to be released on bail. Accused Karan Rajora and Alpesh Patel moved discharge application below Exh.91 and 33 respectively. Their applications came to be rejected after full hearing. On many occasions, the accused on bail were directed to remain present and necessary

processes came to be issued against them for their absence. Today, Accused Alpesh Patel, Mangesh Patekar and Raju Mandal are present before the court and other accused are absent. The trial could not begin due to frequent absence of various accused released on bail. Even today, Accused Dinesh Mishra, Accused Karan Rajora are absent in spite of specific directions to remain present for framing charge today. Recently, Accused Rahul @ Sushim Gaikwad came to be arrested and supplementary charge-sheet against him came to be filed on 27.03.2026. Accused Rahul Gaikwad is now taking treatment in ICU for his medical ailment.

3) It is seen that, the accused lodged behind the bar are unnecessarily facing incarceration without their fault and due to continues absence of one or the other accused released on bail. It is important for this court to protect interest of the accused who are behind the bar for which the present application deserves to be considered favourably. It is further seen that, due to Accused No.9 Rahul Gaikwad taking treatment in I.C.U. his physical presence cannot secured without delay. Accordingly, I proceed to pass following order.

#### **ORDER**

- 1) The application is allowed.
- 2) Trial of Accused No.14 Rahul @ Sushim Gaikwad, Accused No.6 Dinesh Mishra and Accused No.8 Karan Rajora is separated from other accused.
- 3) Consequently, charge be framed against Accused No.1 Mandar Kolte, Accused No.2 Mangesh Patekar, Accused No.3 Suraj Dey, Accused No.4 Alpesh Patel, Accused No.5 Mohammad Jawad Bora, Accused No.7 Raju Mandal.

- 4) Accused lodged in jail i.e. Accused No.1 Mandar Kolte, Accused No.3 Suraj Dey, Accused No.5 Mohammad Jawad Bora be produced on V.C. for framing of charge.
- 5) Accused No.9 Rahul @ Sushim Gaikwad be produced either physically or on V.C. after he is discharged from hospital for framing charge.
- 6) Issue non-bailable warrant against Accused No.6 Dinesh Mishra, Accused No.8 Karan Rajora
- 7) S.O. to 25.05.2026.

Place : Nagpur.  
Date : 11/05/2026

(Kaustubh Nagesh Marathe)  
Judicial Magistrate, F.C. Nagpur.  
Court No.1