

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.942 OF 2015

Manohar Zambar Thakur	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Prashant Patil, for the Applicant.
Mr. D.P. Adsule, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 14, 2015**

P.C.:

1. The application is moved for bail. The applicant/accused is facing charges for the offences punishable under Sections 302 and 201 of the Indian Penal Code in C.R. No. 216 of 2014 registered with Khed police station, Pune. The information is given at the instance of one Sagar Thakur about the death of his uncle Zambar Thakur aged 73 years on 18th September, 2014.

2. It is the case of the prosecution that the applicant/accused is the son of the deceased Zambar Thakur. The deceased was drunker and every night he used to sleep outside the house at Varhanda. In the morning on 18th September, 2014 the family members found that

Zambar was assaulted on his head by somebody. They found that he was assaulted by a big stone and he succumbed to injury on the spot. The informant Sagar is a nephew of the deceased Zambar. Pursuant to the first information report, the applicant/accused was arrested on 1st October, 2014. He is in prison since then. Hence, this bail application.

3. The learned counsel for the applicant/accused submits that there is no offence registered against the applicant/accused. The applicant/accused has not committed any offence but he is falsely implicated in the present case only due to suspicion. It is further submitted that nothing is recovered from the applicant/accused. There is no eye witness to the incident. So the offence was registered against the unknown person. He further submitted that the motive stated by the informant in the complaint is false. The land bearing survey No. 185 in fact stood in the name of the deceased Zambar and Hobaji who is the father of the complainant. He prays that the applicant be released on bail.

4. The learned prosecutor opposed the bail application. He submitted that, the applicant/accused has committed murder of his

father. He did not go to the police immediately and tried to destroy the evidence by washing the blood. He tried to create scene of an accidental death. Therefore, he is correctly arrested as an accused. He also relied on the postmortem report.

5. Perused the first information report, the statement of witnesses and the postmortem notes. As per postmortem notes, the deceased Zambar died due to the *head injury*. A big stone was found near the body of the deceased and it was nearly of 20 kg and it was blood stained. As per the postmortem notes, a fracture of the skull is found. On perusal of the statement of the witnesses and the first information report, *prima facie* the conduct of the applicant/accused is a major incriminating circumstance. The complainant has mentioned about the motive i.e. the share of the applicant/accused in the ancestral property. *Prima facie* there is evidence against the applicant/accused. Hence, I am not inclined to grant bail.

6. Hence, the application stands rejected.

(MRS.MRIDULA BHATKAR, J.)