

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

**CRIMINAL APPLICATION (APPA) NO. 161 OF 2015**  
**IN CRIMINAL APPEAL NO. 93 OF 2015**

(Rupchand s/o Tularam Chande vs. State of Maharashtra thr. PSO, PS, Achalpur, Dist. Amravati)

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

Court's or Judge's orders

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**CORAM : B.P. DHARMADHIKARI &  
P.N. DESHMUKH, JJ.  
JUNE 18, 2015.**

Heard Shri Daga, learned counsel for applicant/ appellant and Shri Mirza, learned APP for the respondent.

Perused the evidence of minor – P.W.5 – Himanshu, son of the deceased as also the evidence of Laluprasad Dixit – P.W. 3 and Purushotam Hirulkar – P.W. 4.

Though most of the witnesses have turned hostile, *prima facie*, we find that P.W. 3 has deposed about presence of accused and victim and a quarrel between them. The minor, during his cross examination, has stated that inquiry was made with him and police inquiry was going on for 2 – 3 days. He also states that during that inquiry, police had written down something. His statement has been recorded by the police on 10.07.2012. In cross he accepts that police authorities told him that hr has to act as eye witness and his statement was to be recorded as eye witness to the assault of his father. He also accepts that on 10.07.2012 the police had come to their house and

told him that he has to depose in the Court.

P.W. 3 – Lalluprasad has in examination-in-chief, disclosed presence of accused, deceased and exchange of words between them. After he was declared hostile and subjected to cross examination by the learned APP, he has denied exchange of words. He has also stated that portion marked 'A' in his statement recorded by the police is not correct.

The overall perusal of evidence of these witnesses at this stage does not show that a case for releasing the applicant on bail is made out. The evidence needs to be appreciated in detail. The trial Court has recorded that there were about 20 persons examined by the prosecution to prove the facts and they did not support the story of prosecution.

In this situation, we reject the application. Hearing of Criminal Appeal is expedited.

**JUDGE**

**JUDGE**

\*GS.