

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

CRIMINAL APPLICATION (BA) NO. 606 OF 2015

(Ramaniklal Hagaru Kewat Vs. The State of Maharashtra)

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

Court's or Judge's orders

Shri R. M. Daga, Advocate for the applicant.
Shri A. K. Bangadkar, A.P.P. for the State.

CORAM : V. M. DESHPANDE, J.
: 11 SEPT., 2015

The applicant, who is arrested on 30/12/2014 in Crime No.228/2014 registered with police station, Gondia (city) for the offence punishable under Section 302 of the Indian Penal Code is claiming his release on bail.

Heard Daga, learned Counsel for the applicant and Shri Bangadkar, learned A.P.P. for the State.

Deceased Sadaram Hagaru Kewat and the present applicant are real brothers. On 28/12/2014 from the morning hours, Sadaram was missing. No missing report was lodged. His dead body was found within the vicinity of Pindkepar at night at about 10.30 p.m. Suresh, son of deceased lodged report on 29/12/2014. However, no suspicion was raised against the present applicant. On the very same day at 7.00 p.m. he lodged the FIR where he stated that the present applicant had committed murder of

his father in view of long standing dispute in between these two brother on the ground of partition of agricultural field.

The first informant is not eye witness. In the present case, there are two eye witnesses, they are Narendra Meshram and Tikaram Padole. Their statements under Section 161 of Cr. P. C. are recorded on 11/01/2015 and 21/01/2015 respectively. Narendra Meshram is property dealer. Thus, it is clear that this eye witness is not a rustic person. His statement would reveal that he has cordial acquaintance with the first informant and he used to visit the house of the deceased. Thus, he was knowing the deceased as well. If his statement is to be believed, on 20/12/2014 when he was at his morning walk, that time he noticed the present applicant was giving axe blows on the deceased. It is his version in his 161 Cr.P.C. statement that due to fear he did not report the matter to anybody.

This eye witness Narendra, as observed earlier, is not rustic and dealing in property. When a witness of such social standing, witnessing a heinous act on the part of the present applicant against a man who is very well known to him and who is father of his friend, normally he would not keep mum till about 15 days.

Further, the statement of Tikaram Padole is also shows that he is well known to the family of the deceased and in spite of that till 21/6/2014 he kept mum that raises eyebrow at least prima facie against their version. The investigation is over, charge-sheet is already filed and except the statement of two eye witnesses, there is no other strong material to detain the present applicant in jail for any further period, which needs to pass the following order.:

The application is allowed.

Applicant Ramniklal Hagaru Kewat be released on bail on his executing a P. R. Bond in the sum of Rs.25,000/- (rupees twenty-five thousand only) with two solvent sureties in the like amount in connection with Crime No.228/2014 registered with police station, Gondia (city) for the offence punishable under Section 302 of the Indian Penal Code.

The applicant shall attend police Station, Arjuni Mor. Distt. Gondia once in a month, i.e. on last Monday of every month till culmination of the trial.

Bail in the trial Court.

JUDGE