

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

Criminal Application [BA] No.649 of 2015

(Vijay Rama Hatwar

vs.

State of Maharashtra, through P.S.O. Mouda, Tah. and District Nagpur)

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

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Court's or Judge's Orders

Mr. P.S. Jaiswal, Advocate for the Applicant.

Mr. V.A. Thakre, A.P.P. for the Non-Applicant/State.

CORAM : V.M. DESHPANDE, J.

DATE : OCTOBER 20, 2015.

Heard Mr. Jaiswal, learned Counsel for the applicant and Mr. Thakre, learned A.P.P. for the non-applicant/State.

The applicant is seeking his enlargement on bail since he is arrested in connection with Crime No.166/2014, registered with Police Station Mouda, Tahsil and District Nagpur for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

From the hearing of both the learned Counsel, it is clear that the report under Section 173 of the Code of Criminal Procedure is already filed before the Trial Court by the Investigating Officer.

The applicant is the husband of deceased-Bharti. According to the prosecution, there are three eye-witnesses in

the prosecution case. They are Shegoji Lohghare, Charandas Dhoke and Deepak Giri. Their statements would reveal that prior to actual incident, there was a quarrel going on between the present applicant, his brother co-accused Vishnu Hatwar, and Anita Hatwar on one side and deceased Bharti on the another side. Their statements also reveal that these three persons were giving fist blows to Bharti and Bharti was using abusive language against them. The said quarrel was intercepted by Sheguji, Deepak and Charandas. Their statements further reveal that after some time, they again heard noise in respect of a quarrel. Therefore, these three witnesses went near the spot and noticed that the deceased was lying on the ground and blood was oozing from her body and also noticed that the applicant, his brother and his wife Anita were standing there. From the statements, it is clear that these three witnesses have not witnessed the actual assault. Worth to note that co-accused-Vishnu and Anita are already released on bail by this Court. The role attributed to them and the present applicant from the statements of the eye-witnesses is identical one.

The learned A.P.P. submits that statement of deceased-Bharti was recorded before the Women Redressal Cell, Paratwada on 07/07/2014 and the dispute was settled.

However, on the very next day, the incident had occurred.

The investigation is over. The other co-accused, against whom also the said material is available, are released on bail. In that view of the matter, the application of the applicant deserves to be allowed. Hence, the following order is passed.

1. The application is allowed.
2. Applicant-Vijay Rama Hatwar be released on bail on he executing 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.166/2014, registered with Police Station Mouda, Tahsil and District Nagpur for the offence punishable under Sections 302 read with Section 34 of the Indian Penal Code before the Trial Court.
3. With these, the application is disposed of.

JUDGE

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