

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

CRIMINAL APPLICATION (BA) NO.686 of 2015

Pocham Godari

..vs..

State of Mah., thr PSO, PS Asarali, Tahl Sironcha, District Gadchiroli

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

Court's or Judge's Order

Shri Anup Dhole, counsel for the applicant.
 Shri P.V. Bhoyar, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 28, 2015.

Heard.

By the present application under Section 439 of the Code of Criminal Procedure, the applicant is seeking his release on bail since the applicant is arrested in connection with Crime No.15 of 2014 registered with Police Station Asarali, Tahsil Sironcha, District Gadchiroli for the offences punishable under Section 302 of the Indian Penal Code.

The FIR is lodged by Pulamma wd/o Ramesh Jimmade. Her husband lost his life on 27.10.2014. The FIR discloses that on the said date at about 4:00 pm, the present applicant and the deceased proceeded towards Asarali on the bicycle of the deceased. The applicant alone came back in the evening with the bicycle and informed the first informant that her husband is lying near nullah.

The postmortem report shows the following

injuries :

“No any injury to external ganitalic. No purging. Upper limbs are folded at elbow and hands are on the chest.

Single obliquely horizontal wound later side of neck. Dimension of wound is length 8 to 10 cm breadth 3 to 5 cm and depth 4 to 6 cm. And age of injury is 15 – 30 hours and injury caused by sharp object.”

Further, the weapon is seized at the behest of the present applicant.

Learned counsel for the applicant submits that the recovery itself is doubtful.

Be that as it may, the thing is that the present applicant proceeded with the deceased. They were in accompany with each other. There is no challenge to the said theory of the prosecution and in the night itself at 7:30 only the applicant returned along with bicycle of the deceased. The time between leaving of house of deceased by applicant in his accompany and returning of the present applicant to house of deceased is too short.

In that view of the matter, it is crystal clear that the present applicant alone *prima facie* is responsible for injuries suffered by deceased as noticed in the postmortem. Hence, the application is rejected.

JUDGE

!! BRW !!