

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

**Criminal Application (BA) No. 728 of 2015**

(Rakesh Kumar s/o Indrajit Pandey Vs. State of Mah. through P.S.O.,  
Sakharkherda, Tah. Sindkhed Raja, District Buldhana)

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

Court's or Judge's order

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Shri S. Y. Deopujari, Advocate for the applicant  
Ms. M. H. Deshmukh, APP for the State/non-applicant

**CORAM : V. M. DESHPANDE, J.**

**DATE : 30-10-2015.**

Heard Shri S. Y. Deopujari, learned counsel for  
the applicant and Ms. Deshmukh, learned Additional  
Public Prosecutor for the State/non-applicant.

2. By the present application, the applicant is  
seeking bail in connection with Crime No. 18/2015  
registered with Police Station, Sakharkherda, District  
Buldhana for the offences punishable under Sections  
302 and 427 of the Indian Penal Code.

3. The investigation is over and charge-sheet is  
presented before the Court of law. First Information  
Report (FIR) was registered by the cleaner of truck  
having registration No. CG-04-JA-2394. Deceased is  
Devendrasingh Balusing Pawar and he was Driver on  
said truck. The FIR was lodged on 22-2-2015.

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4. From the FIR, it is clear that truck which was driven by the deceased was proceeding from Gangakhed to Devas and during journey, one unidentified truck driver threw a bottle on the wind screen of the truck which was being driven by deceased resulting into the damage to the said wind screen. Therefore, the deceased and the first informant followed the said truck to catch the driver who had caused damage. They stopped that unidentified truck. Deceased climbed on that truck. Suddenly applicant inflicted knife blow on the right hand of deceased resulting the death of Devendrasing. Post mortem report shows that there is a chop wound on the right arm. These are the allegations against the present applicant.

5. Since the charge-sheet is already filed and looking to the part of the body which was chosen by the present applicant to make a knife blow, it would be a debatable question as to whether the applicant is having any intention to kill the deceased or not. In that view of the matter, the application is allowed.

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6. The applicant Rakesh Kumar s/o Indrajit Pandey be released on bail on his executing P.R. bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.

7. Bail before the trial Court.

8. The applicant shall not unnecessarily protract the sessions trial which he will be ultimately facing.

The application is allowed and disposed of.

**JUDGE**

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