

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No.629 of 2015
[Prakash @ Avaghad Bapurao Mohankar & three others Vs. State of Mah.]

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

Court's or Judge's orders

Mr. N.P. Hiwase, Adv., for the Applicant.
Mr. T.A. Mirza, APP for respondent.

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CORAM : A.B. CHAUDHARI, J.

DATE : 10th December, 2015.

Heard learned counsel for the rival parties.

In Crime No.60/15 registered with Police Station, Bela, Distt. Nagpur, for offence under Section 302 read with Section 34 of Indian Penal Code, the applicants are seeking anticipatory bail.

Upon hearing learned counsel for the rival parties and on perusal of the reply and the police papers, it

would be necessary to quote paras 3, 4 and 5 of the reply, which read as follows:-

“3. It is submitted that, after receipt of information the Police Officer visited the Hospital and recorded the statement/dying declaration of the deceased Keshav. It is submitted that, the deceased in his statement/dying declaration has stated that he was sitting at the square of the village Chargaon, the applicants came there and told him that why he is doing black magic on his cousin brother. Thereafter, the present applicants mercilessly assaulted the deceased by fist and kick blows and thrown on the cement road. The deceased received severe injuries.

4. It is submitted that, the deceased was hospitalized. It is submitted that initially the offence punishable under Section 325 r/w Section 34 of Indian Penal Code was registered against the applicants. However, the deceased succumbed to the injuries on 10.10.2015 in Govt. Medical College & Hospital, Nagpur. It is submitted that the offence under Section 302 of Indian Penal Code was added against the applicants.

5. It is submitted that, apart from dying declaration of deceased the two eye witnesses have witnessed the incident, they are (1) Parasram Paikujji Neware and (2) Namdeo Raghobaji Neware. It is submitted that both these eye witnesses have stated that applicants have assaulted the deceased.”

From perusal of the above reply and police papers, no case is made out for grant of anticipatory bail, since the offence of murder is serious and all the

applicants are Involved in the commission of offence.
Hence the following order:-

ORDER

Criminal Application [ABA] No. 629 of 2015
is rejected.

Judge

[hedau]