

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

Criminal Application No. 4396 of 2016

District : Hingoli

Gyandev Vishnu Ghuge,
Age : 28 years,
Occupation : Education,
R/o. Kaudgaon,
Taluka : Jintur,
District : Parbhani.

.. Applicant.

versus

The State of Maharashtra,
Through Hingoli Rural
Police Station,
Hingoli,
District : Hingoli.

.. Respondent.

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Mr. Santosh S. Jadhavar, Advocate, for the applicant.

*Mr. S.J. Salgare, Addl. Public Prosecutor, for the
respondent.*

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CORAM : A.M. BADAR, J.

DATE : 3RD OCTOBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 04/2016 registered with Hingoli Rural Police Station, District Hingoli, for offences punishable under Sections 302 and 498A of the Indian Penal Code, is

seeking his release on bail.

2. Heard the learned Counsel appearing for the applicant / accused. By pointing out the FIR lodged by Babita w/o. Janardhan Darade, the learned Counsel argued that prima facie it cannot be said that a single blow of wooden log was with an intention to kill the father-in-law. The learned Counsel drew my attention to the FIR to show that intention as well as knowledge of the applicant, that his father-in-law will die because of blow, is missing and therefore, the offence may not fall under Section 302 of the IPC.

3. The learned Addl. Public Prosecutor has opposed the application.

4. Perused the charge-sheet. According to the prosecution case, after hearing about cruel treatment to their daughter, deceased and his wife had been to the house of their son-in-law i.e. the present applicant. It is further averred by the prosecution that on 16.01.2016, the applicant had assaulted his father-in-law by means of a wooden log causing his fall. Thereafter, the applicant gave a kick blow to his father-in-law. This blow resulted in tumbling of the deceased from the staircase. Thereafter, according to the prosecution case, the applicant prevented his injured father-in-law to go to the

hospital. Ultimately, Police were required to call on the spot so as to enable the injured to go to the hospital.

5. Statements of Parbatrao Mundhe and Panjabrao Pole prima facie shows that even after causing injuries to Janardhan Darade, the applicant was grappling him and was not allowing to go to the hospital.

6. Statement of Rajesh Thoke, Police Head Constable, shows that the applicant was preventing injured Janardhan to go to the hospital which caused summoning Police on the spot. Statement of Rajesh Thoke shows that Police took Janardhan to the hospital. There are eye witnesses to the crime in question.

7. Intention as well as knowledge of the applicant in causing injury to deceased Janardhan is reflected from force of blow which is revealed from the extensive damage caused to the head of the deceased. Para 19 of the autopsy report is clear on this aspect.

8. In this view of the matter, complicity of the applicant in the crime in question is established. As the offence alleged against the applicant is punishable with death sentence of life

imprisonment, no case for bail is made out.

9. The Application is accordingly rejected.

10. Needless to mention that the observations made in this order are prima facie in nature which shall have no bearing on trial of the case.

(A.M. BADAR)
JUDGE

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