

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1835 OF 2016

Chandrakant Tuljaram Bhoi	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Ritesh Thobde, Advocate for the applicant.
Mr. R.M.Pethe, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 18th October, 2016.

P.C.

1. Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 1.5.2016 in Crime No.64 of 2016 registered at Kamati Police Station, Dist. Solapur for the offences punishable under Sections 302, 341, 504 of the IPC. The investigation is completed and charge-sheet is filed.

2. It is the case of the prosecution that on 25.4.2016, Shivaji Bhoi lodged a report at the police station alleging therein that on 22.4.2016, Anil Bhoi, who happens to be the son of his sister-in-law, had come to their house and informed them that there was a quarrel between him and his wife Mangal over some domestic chores. Shivaji, his wife and his son

Tanaji had been to the house of Anil Bhoi to pacify him. At about 8.30 p.m. they were returning home. Tanaji along with his father and his aunt Malan were proceeding on a motorcycle. It is alleged that the present applicant had intercepted them on the way and questioned Tanaji as to why he had interfered with the quarrel. Tanaji had attempted to give an explanation, that he had not interfered nor abused the applicant. There was verbal altercation and then the present applicant, who had concealed a sickle, had immediately mounted assault upon Tanaji with the sickle. Tanaji had fallen on the ground. He succumbed to the injuries on 24.4.2016 in Civil Hospital, Solapur. The post-mortem note would indicate that there was a brutal assault on the head of Tanaji. The injury was semi-circular in shape which would clearly establish that the blow was with the sickle. There were 23 sutures on the said injury. It appears that the injured had undergone craniotomy. There are eye-witnesses to the incident. The statement of the parents of the deceased is also recorded under Section 164 of Cr.P.C. There is no discrepancy between the statement under Section 161 and 164 of Cr.P.C.

3. The learned counsel for the applicant submits that the applicant had no intention to cause homicidal death of Tanaji and that the incident had occurred on the spur of the moment.

4. As against this, the learned APP submits that the incident had occurred at 8.30 p.m. There was no reason for the applicant to move with a sickle which was concealed below his clothes. According to the learned APP, it is clear that it is a pre-meditated act. There is direct evidence. Hence, the applicant does not deserve to be enlarged on bail.

5. The observations are prima facie in nature and are restricted to an application under Section 439 of Cr.P.C.

6. The application being sans merits, stands rejected.

(SMT.SADHANA S.JADHAV, J.)