

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

CRIMINAL BAIL APPLICATION (BA) NO.98/2016

Morshwar s/o Tarachand Kumbhare

..Versus..

State of Maharashtra, through P.S.O., P.S. Yashodhara Nagar, Nagpur

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 14.3.2016

Heard Shri Rajendra Patil, advocate for the applicant and Shri S.B. Bissa, A.P.P. for the non-applicant.

The applicant is arrested on 13th September, 2015 in crime registered for the offence punishable under Section 302 of the Indian Penal Code.

The accusations against the applicant are that he assaulted his younger brother with a wooden log on his head because of which the younger brother died.

Shri Patil, learned advocate for the applicant has submitted that even according to the non-applicant the incident has occurred due to sudden provocation as the deceased younger brother had insulted the wife of applicant and there was no intention to kill the deceased and considering the nature of injuries initially the crime was registered for the offence punishable under Section 307 of the Indian Penal Code but subsequently as victim died, it is converted into an offence punishable under Section 302 of the Indian Penal Code. It is submitted that the

applicant is doing private job and is having liability of maintaining his wife and two minor children. It is further submitted that the applicant is not involved in any crime earlier.

Considering the facts on the record, that the charge-sheet is filed and that the non-applicant has not been able to show that the custody of applicant is required for further investigation, in my view, the applicant is entitled to be released on bail.

Hence, the following order:

- (i) The applicant having been arrested in Crime No.286/2015 registered by the non-applicant, the applicant be released on bail on furnishing P.R. bond in the sum of Rs.20,000/- (Twenty Thousand Only) and one solvent surety in the like amount.
- (ii) The application is allowed in the above terms.

CRIMINAL APPLICATION (APPP) NO.197/2016

In view of disposal of main application, this application does not survive and is disposed of accordingly.

JUDGE

Tambaskar.