

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

CRIMINAL APPLICATION (BA) NO. 617 OF 2016

(Laxman Uttaralya Dongre Vs. The State of Maharashtra)

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

Court's or Judge's orders

Shri J. P. Junghare, Advocate for the applicant.
 Shri H. D. Dubey, A.P.P. for the State.

CORAM : S. B. SHUKRE, J.

DATED : SEPTEMBER 16, 2016

Heard.

Learned Counsel for the applicant submits that the statement of one of the eye witnesses, Gopal, dated 26/10/2015 would show that there was no intention on the part of this applicant to kill the deceased Guddu.

The perusal of the statement of this eye witness, as rightly submitted by the learned A.P.P. for the State, at this stage, reveals prima facie different position. The provocation given by deceased Guddu to the applicant came to an end after the deceased Guddu and Laxman parted the ways. Thereafter, there was prima facie no reason for the applicant to again come back to the house of Guddu. But, the fact that he did come back would show something else and that too, as per the statement of Gopal, armed with knife. At this stage, these facts would enable me to reject the contention of the learned Counsel for the applicant.

Upon overall consideration of the facts and circumstances of this case, I am of the view that prima facie there is sufficient material incriminating this applicant into the offence of murder, punishable under Section 302 of the Indian Penal Code. The applicant is, therefore, not entitled to be released on bail.

The application stands rejected.

JUDGE

CERTIFICATE

“I certify that this order uploaded is a true and correct copy of original signed order.”

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