

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

CRIMINAL APPLICATION (BA) NO.561/2017

Dashrath @ Dasru Kalu Dhurve

..Vs..

The State of Maharashtra, through Police Station Officer, Police Station Dharni,
Amravati

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

Court's or Judge's orders

Shri M.N. Ali, Adv. for the applicant.
Shri N.R. Patil, A.P.P. for the non-applicant / State.

CORAM : Z.A.HAQ, J.

DATE : 2.8.2017.

Heard.

Crime No.336/2016 came to be registered by the non-applicant initially for the offence punishable under Section 326 of the Indian Penal Code on 6th July, 2016, however, as the victim died on 12th July, 2016 offence punishable under Section 302 of the Indian Penal Code came to be added. The applicant was arrested on 6th July, 2016 in connection with Crime No.336/2016 and was released on bail, however, after offence punishable under Section 302 of the Indian Penal Code came to be added, the applicant is again arrested on 17th July, 2016.

The learned Advocate for the applicant has submitted that the case of prosecution is based on circumstantial evidence. The facts on record show that the deceased suffered injuries caused by wooden stick / bamboo.

According to the investigating agency, a civil dispute had been going on between the applicant and deceased and earlier also complaint was lodged regarding dispute between the parties. The application is opposed expressing apprehension that the applicant resides in the same village where widow of deceased is residing and if he is released on bail, he may threaten her.

The charge-sheet is filed. The non-applicant has not been able to show that further custody of applicant is required for investigation. The applicant, aged about 45 years, claims to be an agriculturist and has stated that he is not involved in any other crime / offence. The applicant claims to be permanent resident at the address shown in cause title of the application.

In the facts of the case, following order is passed:

The applicant having been arrested in connection with Crime No.336/2016 registered by the non-applicant, he be released on bail on executing P.R. bond for Rs.25,000/- (Rs. Twenty Five Thousand) and furnishing two solvent sureties in the like amount.

The applicant shall attend the trial before the Sessions Court regularly on every date unless granted exemption by the Sessions Court.

The application is **allowed** in the above terms.

JUDGE