

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

CRIMINAL APPLICATION (BA) NO.734/2017

Mr. Sunil S/o Subhash Thombare

..Vs..

The State of Maharashtra, through Police Station Officer, P.S. Asegaon, Tq.
Manora, Distt. Washim

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

Court's or Judge's orders

Shri Rushak Bawiskar, Adv. for the applicant.
Shri A.D. Sonak, A.P.P. for the non-applicant / State.

CORAM : Z.A.HAQ, J.

DATE : 3.8.2017.

Heard.

The applicant is arrested on 9th March, 2017 in connection with Crime No.44/2017 registered by the non-applicant against the applicant, his father, his mother and brother initially for the offence punishable under Sections 326 and 504 of the Indian Penal Code read with Section 34 of the Indian Penal Code and then offence punishable under Section 302 of the Indian Penal Code came to be added. The crime is registered on the complaint lodged by Deokabai that on 4th March, 2017 at about 7 a.m. the complainant and her husband noticed that the accused were tampering with the valve of public water tap and when complainant's husband questioned them they got annoyed, the present applicant fetched a stick from his house and assaulted the victim,

aged about 70 years, and the other accused assaulted him with kicks and fists. The victim was hospitalized on 4th March, 2017, however, he succumbed to the injuries on 9th March, 2017.

The learned Advocate for the applicant has argued that the F.I.R. is lodged on 9th March, 2017 complaining about the incident of 4th March, 2017 and there is no explanation for the delay in lodging the F.I.R. It is submitted that the applicant and the complainant reside in neighbourhood and there has been some quarrel and mother of present applicant also lodged a report against the complainant on 9th March, 2017. It is submitted that co-accused Mandabai (mother of present applicant) is granted pre-arrest bail and the father and brother of applicant are released on bail as per the order passed by the Sessions Court. It is submitted that charge-sheet is filed and custody of applicant is not required for further investigation.

The learned A.P.P. has pointed out that the victim was hospitalized on 4th March, 2017 and the statement of Deokabai was recorded on 4th March, 2017. It is submitted that there is ample material available with the prosecution (filed alongwith the charge-sheet) which shows involvement of applicant in the crime. It is pointed out that the complainant is an eye witness of the incident. It is further submitted that the applicant resides in neighbourhood of the complainant and if he is released on bail, he may threaten the complainant.

Considering the facts of the case, I am not

inclined to grant the prayer made in the application. The application is **dismissed**.

The applicant is granted liberty to request Sessions Court for expeditious trial.

The applicant is granted liberty to reiterate the prayer for grant of bail after 6 months, if the trial does not commence.

JUDGE

Tambaskar.