

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No.986 of 2017
[Gopal Motiram Verulkar Vs. State of Mah, Khamgaon (City) PS,
Distt. Buldana]

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

Court's or Judge's orders

Mr. R. M. Daga, Adv., for the applicant.
Mr. T. A. Mirza, APP for non-applicant.

CORAM : A. S. CHANDURKAR, J.

DATE : 12th October, 2017

The applicant who has been arrested on 24th August, 2016 in Crime No. 283/16 for the offence punishable under Section 302 read with Section 34 of Indian Penal Code, registered at Khamgaon (City) Police Station, Distt. Buldana, seeks his release on bail.

As per the First Information Report lodged by one Urmila, her husband had come home under the influence of liquor and had stated that he had not got any share in the family property. He was blaming his father - the applicant. The applicant is stated to have come out of the house and assaulted his son with an axe. His other son also joined him. The husband of the informant succumbed to the injuries. Offence was accordingly registered. The applicant was arrested on the same day.

It is submitted by the applicant that the incident in question appears to have taken place in the heat of the moment as the son was under influence of liquor and was abusing his father. The said son used to remain under intoxication and on earlier occasions, the father himself had lodged reports against his son. It is submitted that presently the informant is not residing at her matrimonial place and has gone away. The charge-sheet has not yet been filed and the trial is not likely to commence in the near future. Reference is also made to order passed in Criminal Application No. 562 of 2014 to submit that even in such a situation, the applicant could be enlarged on bail.

The application is opposed by Shri T.A. Mirza, learned APP, by relying upon the charge-sheet. It is submitted that there are eye-witnesses who have seen the applicant assaulting the deceased. There is likelihood of the applicant tampering with the evidence.

I have perused the documents filed on record.

The incident in question is dated 24th August, 2016 and the applicant was arrested immediately. The investigation is now complete. The informant is stated to be not residing at her matrimonial house presently. It appears prima facie that there was a dispute between the applicant and his son with regard to share in the family property. The incident prima facie appears to

have taken place in the heat of the moment. The observations made in the order passed in Criminal Application No. 562 of 2014 support the case of the applicant to some extent.

Considering the age of the applicant which is about sixty-two years and the fact that the charge-sheet has not been filed, no purpose would be served by detaining the applicant further. Hence, the applicant who has been arrested pursuant to Crime No. 283/16 registered at Khamgaon [City] Police Station, Distt. Buldana, for the offence punishable under Section 302 read with Section 34 of Indian Penal Code, shall be released on bail on furnishing a Personal Bond of Rs.20,000-00 [rupees twenty thousand only] and one surety in the like amount. He shall attend the concerned Police Station initially on 5th November, 2017 and thereafter as and when directed by the Investigating Officer. He shall not take any steps to influence the prosecution witnesses.

The observations made in this order are only for deciding the bail application.

Application is disposed of.

Judge

