

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

CRIMINAL APPLICATION (BA) NO.1135/2017

Vinod Pandurang Mohod

..vs..

State of Mah., thr. PSO of PS Sirasgaonkasaba, Taluka Chandur Bazar, District
Amravati

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

Court's or Judge's Order

Shri S.S. Patil, Counsel for the applicant.

Shri N.B. Jawade, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 15, 2017.

1. Heard learned counsel Shri S.S. Patil for the applicant and learned Additional Public Prosecutor Shri N.B. Jawade for the State.

2. The applicant is arrested on 22.9.2016 in connection with Crime No.197 of 2016 registered with Police Station Sirajgaonkasaba, Taluka Chandurbazar, District Amravati for the offences punishable under Sections 302, 307, and 504 of the Indian Penal Code.

3. According to learned counsel Shri S.S. Patil for the applicant, further custodial presence of the applicant is not necessary in view of the fact that investigation is over and the charge-sheet is already filed. He submits that the police ought to have registered offence under Section 304 of the Indian Penal

Code and not under Section 307 of the Indian Penal Code initially which was converted into Section 302 of the Indian Penal Code because deceased Pandurang received burn injuries when he was preparing food. It is also his submission that burn injuries were suffered by deceased on 14.8.2016. Whereas, he died on 5.9.2016 due to 45% burn injuries. He, therefore, submits that the application be allowed.

4. I have heard learned Additional Public Prosecutor Shri N.B. Jawade for the State also.

5. With the assistance of learned counsel for the parties to the application, I have perused the charge-sheet.

6. Merely because the charge-sheet is filed, that by itself does not give any cause for allowing the application and to release the applicant on bail.

7. The applicant is facing the charge of patricide. He committed murder of his father Pandurang by pouring kerosene when father was available in his house. When injured was admitted in the hospital, his two statements were recorded; one by police, and another by learned Executive Magistrate.

8. Before recording statements, learned Executive Magistrate has followed the required procedure. After obtaining fitness from the doctor, Pandurang's statement was recorded. In his statement, Pandurang in clear words has stated to learned Executive Magistrate that on 13.8.2016 the

applicant demanded money. However, his demand was not fulfilled. Therefore, he was assaulted by the applicant. It is his further statement before learned Executive Magistrate that on 14.8.2016, at about 8:00 p.m., the applicant poured kerosene and set him ablaze.

9. The statement recorded by the police is also on the same line. The statement recorded by the police shows that the applicant is a vagabond.

10. Since there is a clinching evidence, at least at this stage, the application for bail cannot be considered favourably.

11. In that view of the matter, the criminal application is rejected and disposed of accordingly.

JUDGE

!! BRW !!

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