

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

CRIMINAL APPLICATION (BA) NO.558 OF 2018

(Hari s/o Jaganrao More Vs. State of Maharashtra thr. PSO PS Hingana, Dist.
Nagpur)

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

Court's or Judge's orders.

Shri N.S. Giripunje, Advocate for Applicant.
Shri N.B. Jawade, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 19th JULY, 2018.

The applicant is arrested in Crime 155/2016 registered with the Police Station Hingana, District Nagpur for offence punishable under section 307 of the Indian Penal Code and is in custody since 20.04.2017.

2] The case of the prosecution is that the applicant and the injured Kalabai were in relationship. The 161 statement of Kalabai is to the effect that the applicant used to visit her since four years and demand money for drinking liquor. On the fateful day on 21.09.2016, the applicant came to Kalabai under the influence of liquor, demanded money for liquor, and Kalabai refused to oblige. The applicant then demanded sexual favour from Kalabai, which demand was also turned down. An altercation followed in which the applicant assaulted Kalabai, caught hold of her neck and then pushed her from the first floor of

the under construction house causing serious head injuries.

3] Whether the offence, if the material is translated into legally admissible evidence, would be under section 307 of the Indian Penal Code or 308 that is attempt to commit culpable homicide or then under section 326 of the Indian Penal Code would be the question which may have to be answered by the Trial Court on the basis of evidence adduced.

4] The applicant has no criminal antecedents. Nothing is brought to my notice to suggest that the applicant shall flee from the course of justice or that he would tamper with the evidence. In the light of the material on record, continued incarceration of the applicant is not justified. I do not see any reason why he should languish in jail. The application is allowed.

5] The applicant be released on his furnishing personal bond of Rs.15,000/- with a solvent surety of the like amount.

[a] The applicant shall not enter the territorial limits of Hingana Police Station till the conclusion of trial.

[b] The applicant shall not tamper with the evidence.

[c] The applicant shall not attempt to influence the witnesses.

JUDGE

NSN