

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

**CRIMINAL APPLICATION (BA) NO.579 OF 2018**

(Pundlik Barkaji Titare Vs. State of Maharashtra thr. PSO PS Yavatmal Gramin, Tq. &  
Dist. Yavatmal)

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

*Court's or Judge's orders.*

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Shri V.D. Darne, Advocate for Applicant.  
Shri M.K. Pathan, APP for Non-Applicant/State.

**CORAM: ROHIT B. DEO, J.**

**DATE OF RESERVING THE ORDER:**                      **03.07.2018**  
**DATE OF PRONOUNCING THE ORDER:**                      **12.07.2018**

The applicant is seeking bail in Crime 315/2017 registered at Police Station Yavatmal Rural for offence punishable under sections 143, 147, 148, 149, 302 and 307 of the Indian Penal Code and under section 4 and 25 of the Arms Act.

The incident occurred on 08.08.2017 at 09:00 p.m. or thereabout. The prosecution version is that the deceased Akash Sahare, injured Pravin Salam and one Anil Chavhan were chewing tobacco and chitchatting near the Gram Panchayat office. A murderous assault was launched on them by the applicant and the other co-accused in which Akash lost his life and Pravin Salam suffered serious injuries. The role attributed to applicant Pundlik in the first information report and the statement of eye witness Anil Chavhan is that co-accused Sanjay Titare assaulted

deceased Akash with iron bar and when Akash collapsed the applicant Pundlik inflicted axe blows on his neck, and the resultant injuries, as is *prima facie* discernible from the postmortem report led to death.

The learned counsel for the applicant invites my attention to the statement of the injured witness Pravin to buttress the submission that while the applicant allegedly assaulted Pravin, he played no role in causing the death of Akash. Perusal of the statement injured witness reveals that he does state that applicant Pundlik, Sanjay and Sandeep grievously injured Akash by inflicting sword, axe and iron rod blows. It does appear that at a later stage the injured witness dilutes the role of applicant Pundlik and states that while Sandeep and Sanjay assaulted Akash, applicant Pundlik inflicted axe blows on injured Pravin.

*Prima facie*, the material on record would suggest that applicant Pundlik has played a prominent role in the murderous assault. The axe is recovered at the instance of the applicant Pundlik pursuant to memorandum recorded under section 27 of the Evidence Act. There is more than ample material to *prima facie* connect the applicant with the crime.

The learned counsel for the applicant would submit that the applicant is aged 72 years. The charge-sheet records the age of the applicant as 65. Be that as it may, the age of the accused is not necessarily a relevant consideration for grant of bail, particularly when the accusations are serious and the murderous assault has

claimed an innocent life and has seriously injured the other.

I am not inclined to grant bail. However, it is expected of the learned Trial Court to expeditiously conclude the trial. If there is no significant development or progress in the trial in the next nine months, the applicant shall be at liberty to approach the learned Sessions Judge for bail.

Subject to the aforesaid observations, the application is dismissed.

**JUDGE**