

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

CRIMINAL APPLICATION (BA) NO.659 OF 2018

(Shri Vinod s/o Balchand Koram ..vs.. State of Maharashtra, through PS Ramtek)

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

Court's or Judge's orders

Shri R.R. Rajkarne, Counsel for the applicant,
Shri V.A. Thakare, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 25-07-2018

The applicant, who is in custody in connection with Crime 89/2018 on 10-2-2018 registered with the Ramtek Police Station for offence punishable under Section 302 of the Indian Penal Code, is seeking enlargement on bail.

2. The incident occurred on 05-2-2018. The prosecution case is that the applicant assaulted deceased Atmaram by fists and kicks and caught hold of the neck of the deceased. Atmaram was admitted to Government Medical College, Nagpur where he succumbed on 09-2-2018. The motive for the assault is, according to the prosecution, that the deceased attempted to mediate in the dispute between the applicant, who incidentally is related to the deceased and the wife of the applicant. It is then, that the assault allegedly took place.

3. The learned Counsel for the applicant invites this

Court's attention to the statement of Kashimram Chirkut Koram recorded on 08-2-2018 which is to the effect that his nephew i.e. the deceased Atmaram fell from a tree and suffered injuries. In rebuttal, the learned Additional Public Prosecutor Shri V.A. Thakare points out that several witnesses have stated that there was a physical altercation in which the applicant assaulted the deceased by fists and kicks.

4. The applicant has no criminal antecedents. It is not even the case of the prosecution that the applicant is likely to flee from the course of justice. In the light of the material on record, it would be arguable whether offence punishable under Section 302 of the Indian Penal Code would be made out, even if the material on record is translated into admissible evidence.

5. The application is allowed.

6. The applicant shall be released on bail on furnishing personal bond of Rs.15,000/- with one solvent surety of the like amount.

7. The applicant shall attend the dates of hearing and shall cooperate in expeditious disposal of the trial.

8. The applicant shall not tamper with the prosecution evidence nor shall attempt to influence the

prosecution witnesses.

JUDGE

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