

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

CRIMINAL APPLICATION (BA) NO.1263/2017

Shildhar Prabhakar Rao Ingole ..vs.. The State of Maharashtra through PSO
P.S. Nandgaon Khandeshwar, Tq. Nandgaon Kh. Dist. Amravati.

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

Court's or Judge's orders.

Mr. S. S. Dhengale, Advocate for applicant.
Mr. N. R. Rode, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 12, 2018

1. Heard Mr. S. S. Dhengale, Advocate for applicant
and Mr. N. R. Rode, A.P.P. for non applicant-State.

2. The applicant is arrested in connection with
Crime No.151/2017 registered with Police Station,
Nandgaon Khandeshwar, Tq. Nandgaon Khandeshwar, Dist.
Amravati for an offence punishable under Sections 302, 323,
504 read with Section 34 of the Indian Penal Code.

3. The investigation is over and the charge-sheet is
already filed. The FIR is lodged by Ravindra in respect of
the incident dated 05.06.2017, in which his younger brother
Jitendra alias Pintya lost his life. From the FIR it is clear that
the dispute arose between the first informant Ravindra and
the applicant in the marriage procession when the present
applicant was under the influence of liquor and he was
dancing. In the said marriage procession, the first informant

was also dancing. According to the FIR, the applicant carried an impression that during dancing, the first informant gave dash to him resulting into verbal altercations in between them. Thereafter, abruptly the first informant left the marriage procession and came to his house. When he was arranging the dish antenna on the upper floor of his house, the present applicant and his cousin Akash came there. The deceased Jitendra was present at that time. As per the FIR, he has seen the incident. Verbal altercations took place and subsequently, the present applicant and other co-accused persons gave kick and fist blows to Jitendra which has resulted into death of Jitendra.

4. The post mortem report shows no external injuries on the dead body. There is no fracture. The co-accused persons are released on bail.

5. Looking to the fact that the incident has occurred on the trifle issue, prima facie, one can see that there is no intention on the part of the present applicant to commit murder of Jitendra. Further, no weapon was used by the present applicant. Even as per the prosecution case, only kick and fist blows were given.

6. Looking to the nature of evidence and looking to the fact that the co-accused are already released on bail, the applicant is also entitled to be released on bail.

7. In view of above, following order is passed.

ORDER

- (i) Criminal Application No.1263/2017 is allowed.
- (ii) The applicant-Shridhar Prabhakarrao Ingole be released on bail in connection with Crime No.151/2017 registered with Police Station, Nandgaon Khandeshwar, Tq. Nandgaon Khandeshwar, Dist. Amravati for an offence punishable under Sections 302, 323, 504 read with Section 34 of the Indian Penal Code on he executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend Police Station Nandgaon Khandeshwar, once in a month i.e. on every third Wednesday between 03.00 p.m to 05.00 p.m., till culmination of the trial.
- (iv) The observations made in this order are prima facie in nature and they are made only for the limited purpose for considering the application for bail. The learned trial Court shall not get influenced by the observations made in the order.

The application stands disposed of accordingly.

JUDGE