

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

CRIMINAL APPLICATION (BA) NO.217/2019

Santosh Hira Sarvare

..VS..

State of Mah., thr. PSO Frezarpura, District Amravati

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

Court's or Judge's Order

.....
Shri C.A.Babrekar, Counsel for the Applicant.
Shri S.D.Sirpurkar, Addl.P.P. for the State.

CORAM : M.G.GIRATKAR, J.

DATED : APRIL 16, 2019.

1. This is an application under Section 439 of the Code of Criminal Procedure for grant of regular bail.
2. Heard learned counsel Shri C.A.Babrekar for the applicant and learned Additional Public Prosecutor Shri S.D.Sirpurkar for the State.
3. Learned counsel Shri Babrekar for the applicant submits that the applicant had no intention to kill deceased. He submits that quarrel took place between them and in a spur of moment the applicant assaulted deceased by means of a rafter on her head and, therefore, she died. He prays that as investigation is complete and chargesheet is already filed, the applicant be released on bail.
4. Learned Additional Public Prosecutor Shri S.D.Sirpurkar for the State strongly objects the application. He points out a report dated 12.3.2018 lodged on earlier occasion by deceased and submits that the applicant had

assaulted deceased on trivial matter also. Incident was reported by deceased to police. He further submits that the applicant intentionally assaulted to kill the deceased and, therefore, he prays that the application of the applicant be rejected.

5. Perusal of F.I.R. lodged by mother of deceased on 27.10.2018 appears that at about 8:00 a.m., when she was going to house of deceased, she saw the applicant running on road and saying that he killed deceased. She immediately went to house of deceased and saw deceased in a pool of blood.

6. Prior to 4-5 months of incident dated 27.10.2018, there was quarrel between the applicant and deceased. Whether there was intention of the applicant to kill the deceased or not, is to be decided by the Trial.

7. At this stage, it appears that as prior to incident in question there was quarrel between the applicant and deceased, the applicant went to house of deceased with an intention to kill her and gave blow of rafter on head of deceased and as a result of which she died. Hence, the applicant is not entitled for grant of bail.

8. In view of the above, the application is rejected and disposed of accordingly.

9. As chargesheet is already filed, learned Judge of the Court below is directed to expedite the Trial.

JUDGE

!! BRW !!

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