

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

CRIMINAL APPLICATION (BA) NO.248/2019

Gurudatta s/o Brijlal Barange

..VS..

State of Mah., thr. PSO Karanja (Ghadge), District Wardha

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

Court's or Judge's Order

.....
Shri M.V.Rai, Counsel for the Applicant.
Shri S.D.Sirpurkar, Addl.P.P. for the State.

CORAM : M.G.GIRATKAR, J.

DATED : APRIL 16, 2019.

1. Heard.
2. Learned counsel Shri M.V.Rai for the applicant pointed out report lodged by wife of deceased. She stated in her report that her husband always used to go to house of the applicant/accused. She stated that wife of the applicant/accused eloped with her husband. After one month, her husband and wife of the applicant/accused returned to village. She stated in her report that on 20.11.2017 the applicant/accused stabbed her husband in autorickshaw of Purushottam. Vilas, Ashish, and Sanjay tried to save her husband. The applicant/accused ran away with knife in his hands. Learned counsel for the applicant submitted that only one injury was on stomach which was fatal. There was no any intention on the part of the applicant/accused to kill the deceased. He pointed out statement of Sanjay and submitted that the said witness

along with other witnesses reached to spot of incident. The complainant was already there. He pointed out report and submitted that when the complainant reached, Vilas, Ashish, and Sanjay were trying to save her husband. Learned counsel submitted that there was no intention on the part of the applicant/accused and, therefore, he be released on bail.

3. Learned Additional Public Prosecutor Shri S.D.Sirpurkar for the State strongly objected the present application.

4. Wife of the applicant/accused was eloped by the deceased before one month of incident and due the same the applicant/accused did not control himself and caused death of deceased. It appears that since the deceased eloped the wife of the applicant/accused, the incident took place.

5. Looking to the report and statement of Sanjay, the applicant is entitled for grant of bail, as per order below:

ORDER

(i) The criminal application is allowed.

(ii) The applicant be released on bail on he executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant shall not tamper with the evidence of prosecution witnesses.

(iv) The applicant shall attend the trial Court on each and every date.

.....3/-

(v) The applicant shall not leave the jurisdiction of trial Court without prior permission.

(vi) With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

...../-