

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

**Criminal Application (BA) No.307 of 2019**

**(Chandrakant @ Chandu s/o Wasudeo Urkude .vs. State of Maharashtra,  
through PSO PS Nandanwan, Nagpur )**

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

Court's or Judge's orders.

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Mr. R.D. Gulhane, Advocate for Applicant.  
Mr. V.P. Maldhure, APP for Non-applicant/State.

**CORAM : Manish Pitale, J.**

**DATED : June 11, 2019.**

The applicant herein is one of the accused for an offence punishable under Section 302 of the IPC. Initially an FIR was registered under Section 326 read with 34 of the IPC against the applicant and the co-accused and later, upon the death of the victim, it was converted to an offence under Section 302 of the IPC. It is stated on behalf of the applicant and not disputed by the non-applicant/State that the co-accused himself was murdered on the next day of the incident.

2. The incident in the present case was said to have taken place on 08.11.2018 wherein the applicant along with the co-accused assaulted the victim on his head leading to serious injuries and ultimately his death.

3. Although the learned counsel for the applicant insisted that the non-applicant/State must file reply, the learned APP appearing on behalf of the non-applicant/State submitted that the material placed on

record with the present application on behalf of the applicant was itself sufficient to demonstrate that the present application deserved to be dismissed.

4. It has also come on record that the investigation is complete and the charge-sheet has been filed.

5. By referring to the statements of three eyewitnesses including the owner of the tea stall where the incident took place, the learned APP emphasized that each one of these witnesses attributed the main role to the applicant herein of having assaulted the victim on his head with a *Balli*. This clearly shows that the contention raised on behalf of the applicant that the other co-accused was the main accused, is without any substance.

6. Considering the fact that three eyewitnesses have given statements clearly implicating the applicant for the assault and in view of the possibility of the applicant influencing these witnesses upon being released on bail, this Court is of the opinion that the present application deserves to be rejected.

7. In view of the above, the application stands rejected.

**JUDGE**