

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

Criminal Application (BA) No.514 of 2019
(Raju Piratram Warkhade .vs. State of Maharashtra through PSO PS Tumsar,
Dist. Bhandara.)

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

Mr. K.S. Motwani, Advocate for Applicant
Mr. H.R. Dhumale, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : August 09, 2019.

The applicant has approached this Court seeking bail as he was arrested on 04.02.2019 in connection with first information report (FIR) registered on the same day for offence under Section 302 of the Indian Penal Code, in connection with an incident which had taken place on 03.02.2019.

2. The allegation against the applicant is that he caused the death of his own father. The complainant in the present case is the mother of the applicant. The oral report indicates that the daughter of the applicant who was also at home when the incident is said to have taken place is the eyewitness to the incident.

3. The investigation in the present case was completed and the charge-sheet was filed on 04.05.2019. A perusal of the statement given by the said alleged eyewitness during the course of investigation, shows that a quarrel took place between the applicant and his own father i.e. the victim as the victim raised an objection to the applicant for having

engaged services of two young boys for cutting of wooden logs in the house. It is alleged that the victim hit the applicant on his head with a stick during the course of quarrel in response to which the applicant picked up a stick and gave a blow on the head of the victim, resulting in injury and eventually the death of the victim.

4. The nature of the incident in the present case and the relationship between the parties i.e. the applicant, the victim, the complainant and the alleged eyewitness shows that there was no pre-planning in the aforesaid incident and due to the aforesaid objection raised by the victim himself, the incident took place.

5. Considering the aforesaid aspects of the matter, this Court is of the opinion that the applicant can be granted bail subject to stringent conditions because there is every possibility of the applicant influencing witnesses, who are his own family members.

6. In view of the above, the present application is allowed and the applicant is directed to be released on bail in connection with Crime No. 61 of 2019 registered at Police Station Tumsar, district Bhandara, on the following conditions:-

- a) The applicant shall furnish P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand) and a surety in the like amount.
- b) The applicant shall not enter village Pachara, tahsil Tumsar, district Bhandara, during the course of the trial.
- c) The applicant shall attend the proceedings before the trial Court on each and every date.

d) The applicant shall not tamper with the evidence or influence witnesses.

7. Needless to say that violation of any of the conditions noted above, may lead to cancellation of bail granted to the applicant. It is clarified that the observations made in this order are limited to the question of grant of bail to the applicant.

JUDGE

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