

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

CRIMINAL APPLICATION (BA) NO.691/2019

Shri Shyamrao s/o Ganesh Pawar

..VS..

State of Mah., thr. PS MIDC Nagpur, MIDC Nagpur

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

Court's or Judge's Order

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Shri P.C.Dhawade, Counsel for the Applicant.
Shri M.J.Khan, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : AUGUST 28, 2019.

1. Heard learned counsel Shri P.C.Dhawade for the applicant and learned Addition Public Prosecutor Shri M.J.Khan for the State. Also, perused chargesheet as well as reply filed on behalf of the State.

2. The applicant was arrested on 17.12.2018 in connection with Crime No.601/2018 registered with MIDC Police Station, District Nagpur for offences under Section 302 of the Indian Penal Code and under Sections 37(1)(3) and 135 of the Bombay Police Act, 1951.

3. According to the prosecution case, on 16.12.2018 First Information Report was lodged by Vaishali Deokar, the widow of Vikram.

4. As per reply, on day of incident i.e. on 15.12.2018 at about 8:30 p.m., Vikram, the deceased, and applicant were quarreling with each other and at that time

though other prosecution witnesses tried to intervene in the quarrel, present applicant gave a blow of knife on left thigh of Vikram. The said caused his death.

5. Postmortem report available on record shows only one stab injury which is muscle deep over upper one third of anterior aspect of left thigh though other are abrasions in nature.

6. Looking to the prosecution case and the fact that the blow was not aimed at vital part of the body of Vikram, in Trial it is quite possible that the offence may be scaled down to any lesser offence.

7. In this view of the matter and in view of the fact that investigation is over and chargesheet is already filed, further custodial presence of the applicant is not necessary. Hence, I pass following order:

ORDER

(i) The criminal application is allowed.

(ii) Applicant-Shyamrao s/o Ganesh Pawar, be released on bail on his executing a P.R.Bond in the sum of Rs.10,000/- with one solvent surety of the like amount.

(iii) The applicant is direct to attend the police station once in 2 month, till the Trial is over.

(iv) It is made clear that observations made in this order are purely *prima facie* for deciding the present application for

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grant of bail only and learned Judge of the Court below, before whom the Trial will be conducted, shall not get influenced by observations made in this order.

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

JUDGE

!! BRW !!

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