

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

CRIMINAL APPLICATION (BA) NO.757/2019

Ganesh s/o Santosh Wadikar .vs. State of Maharashtra, through PSO P.S.
Saoner, Dist. Nagpur.

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

Court's or Judge's orders.

Mr. C. R. Thakur, Advocate for applicant.
Mr. J. Y. Ghurde, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : SEPTEMBER 13, 2019

Heard Mr. Thakur, learned counsel for applicant
and Mr. Ghurde, learned A.P.P. for non applicant-State. I
have also perused the charge-sheet.

Applicant is arrested in connection with Crime
No.94/2019, registered with Police Station, Saoner, Dist.
Nagpur for an offence punishable under Section 302 of the
Indian Penal Code.

Deceased was elder brother of present applicant.
Report was lodged by Akash, son of deceased Ramesh. As
per the report, there used to be disputes between deceased
and present applicant in respect of the agricultural property.
As per report, on 09.02.2019 in Gram Panchayat, there was
a dispute over assistance given by the State for agriculture
purpose and there was a verbal quarrel between two
brothers. After that, deceased came in the agricultural field.
According to report, at 5.30 p.m. applicant also came in the
agricultural field and there also verbal altercations took

place in between them. Upon that present applicant threw stones on the head of deceased, resulting into fracture to his skull, which has culminated into his death.

Looking to aforesaid nature of accusations made against the present applicant, in my view, during trial, it is possible that the offence may be scaled down as there is only single injury to the deceased.

In view of aforesaid, further custodial presence of applicant is not necessary. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Ganesh s/o Santosh Wadikar, be released on bail in connection with Crime No.94/2019 registered with Police Station, Saoner, Dist. Nagpur for an offence punishable under Section 302 of the Indian Penal Code, on he executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) Applicant shall attend Police Station, Saoner, once in a month i.e. on last Sunday of every month, during the pendency of trial.
- (iv) The applicant shall not give threats or prejudice the prosecution witnesses.
- (v) The observations made in this order are prima facie in nature and are made only for the purpose of deciding present application for bail. At the time of trial, the learned trial Court shall not get influenced by any of the observations made in this order.

The application is disposed of.

Criminal Application No.1368/2019

In view of disposal of Criminal Application (BA) No.757/2019, the present application for grant of time to file certified copy is also disposed of.

JUDGE

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