

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

**CRIMINAL APPLICATION (BA) NO.955/2019**

Samadhan Uttam Narwade .vs. State of Maharashtra through PSO P.S.  
Risod, Dist. Washim.

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

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Court's or Judge's orders.

Mr. M. N. Ali, Advocate for applicant.  
Mr. M. J. Khan, A.P.P. for non applicant-State.

**CORAM : V. M. DESHPANDE, J.**  
**DATED : OCTOBER 16, 2019**

Heard Mr.Ali, learned counsel for applicant and  
Mr. Khan, learned A.P.P. for non applicant-State. Also  
perused the reply and charge-sheet placed on record.

Applicant was arrested on 27.03.2019 in  
connection with Crime No.127/2019 registered with Police  
Station, Risod, Dist. Washim for an offence punishable under  
Section 302 read with Section 34 of the Indian Penal Code.

Crime is registered on the basis of report lodged  
by Savita Narwade on 27.03.2019. First informant Savita is  
widow of Gajanan. As per report, on the day of incident, her  
husband Gajanan, after coming from his agricultural field,  
went for taking water from the tanker. At that time, her  
neighbour Sangita was sweeping the courtyard. Therefore,  
Gajanan asked her not to sweep the courtyard while he was  
taking water. According to the FIR, that gave rise to verbal

altercation between accused R1aju, Nitin and Samadhan and they assaulted on Gajanan by means of stick, which was there. The charge-sheet would show that there are eye witnesses namely Banaji, father the deceased, Shobhabai, grandmother of deceased and one Anusaya. They specifically attribute role against the present applicant and others that they have assaulted on deceased Gajanan.

In this case, though there are eye witnesses, in my view, there was no intention on the part of the accused to cause death of Gajanan, since the incident has occurred on a very trifle issue. Therefore, in the trial, there is every likelihood of scaling down of the offence to a minor one than the offence punishable under Section 302 of the IPC. However, it appears from the charge-sheet that the applicant and the deceased are residing in the neighbourhood and therefore to secure interest of prosecution, stringent conditions can be imposed on the applicant while releasing him on bail.

In that view of the matter, I pass the following order.

### **ORDER**

- (i) The application is allowed.
- (ii) Applicant-Samadhan s/o Uttam Narwade be released on bail in connection with Crime No.127/2019 registered with Police Station, Risod, Dist. Washim for an offence punishable under Section 302 read with Section 34 of the Indian Penal Code, on he executing P.R. Bond in the

sum of Rs.15,000/- with one solvent surety in the like amount.

(iii) The applicant is directed not to enter within the territorial limits of village Gohogaon (Hade), Tq. Dist. Washim, until culmination of trial.

(iv) The applicant is directed to furnish his residential address to learned Judge before whom he will be executing bail bonds.

(v) The applicant is directed to attend Police Station, Risod twice a week i.e. on every Saturday and Sunday between 03:00 p.m. to 05:00 p.m., until culmination of the trial

The application is disposed of.

**JUDGE**