

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

CRIMINAL APPLICATION (BA) NO.1079/2019

Gajanan Digambar Sarnaik .vs. State of Maharashtra through PSO P.S.
Risod, Dist. Washim.

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

Court's or Judge's orders.

Mr. M. N. Ali, Advocate for applicant.

Mr. J. Y. Ghurde, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : NOVEMBER 29, 2019

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

Applicant is arrested in connection with Crime
No.8/2019, registered with Police Station, Risod, Dist.
Washim for an offence punishable under Sections 302, 323,
504 and 34 of the Indian Penal Code.

Deceased is one Pawan. According to the charge-
sheet, there is an eye witness to the incident. He is Bandu
Dattaram Sarnaik. His statement would show that
agricultural field of Digambar, who is father of the present
applicant is adjacent to the agricultural field of Parbarao
Sarnaik and Panditrao Sarnaik and there used to be frequent
quarrels on account of road and way. According to the
statement of Bandu, on the date of incident when Digambar,
present applicant and witness Bandu were proceeding, they
were accosted by deceased Pawan and he asked Digambar
that this road does not belong to them. Looking to their

dispute, present applicant Gajanan came there. Then there was verbal altercation between them. At that time, as per the prosecution case, the present applicant gave a knife blow to Pawan. Post mortem report shows that there was a single injury on the vital part of the deceased.

It is clear that the incident has occurred on the spur of moment. Therefore, there is every possibility that during trial, offence may be scaled down. The investigation is already over and the charge-sheet is already filed.

In that view of the matter, when applicant is not having any criminal antecedents, discretionary relief of bail can be granted to applicant. Hence, I pass following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Gajanan Digambar Sarnaik be released on bail in connection with Crime No.8/2019, registered with Police Station, Risod, Dist. Washim for an offence punishable under Sections 302, 323, 504 and 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) Applicant is directed to attend Police Station, Risod, once in a week i.e. on every Saturday between 3.00 p.m. to 5.00 p.m. till culmination of the trial.
- (iv) Applicant shall not tamper with prosecution evidence.

The application is disposed of.

JUDGE