

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

CRIMINAL APPLICATION (BA) NO.986 OF 2018

(Dinesh s/o Ramesh Rathod Vs. The State of Maharashtra thr. PSO PS Mahagaon,
Dist. Yavatmal)

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

Court's or Judge's orders.

Shri R.M. Daga, Advocate for Applicant.
Shri I.J. Damle, APP for Respondent/State.
Shri Amit Kukde, Advocate for Applicant/Intervener.

CORAM: M.G. GIRATKAR, J.

DATE: 8th MARCH, 2019.

Heard Advocate Shri R.M. Daga for the applicant.

He has pointed out FIR, medical certificate of the deceased. Statement of Babybai Rathod and history stated by the patient to the Medical Officer. Learned Counsel has submitted that in the history deceased has stated that some one assaulted him. As per the statement of Babybai deceased himself came to her house under the influence of liquor and was saying that plot and house belonging to him and there was quarrel between the applicant and deceased. The applicant told the deceased that this plot and house not belonged to him. Altercation took place between them and applicant took a wooden stump and gave blow on the head of the deceased.

Whether the applicant had any intention to kill the deceased or not is to be decided by the trial Court. At this stage, it appears that it is the case of single blow. After causing injury the deceased was alive for about seven days.

Learned APP Shri Damle assisted by Advocate Shri Kukde has strongly objected the application.

Learned APP has submitted that complainant reside in the same locality and there is every possibility of tampering the evidence/witnesses. Learned Counsel Shri Daga has submitted that applicant will not reside in village Leva (Vasant Nagar Tanda), Tahsil Mahagaon, District Yavatmal. Looking to the evidence collected by the prosecution, the applicant is entitled for bail.

The application is allowed.

The applicant be released on bail on furnishing PR bond in the sum of Rs. 25,000/- with one solvent surety in like amount on following conditions.

The applicant shall not tamper the evidence of prosecution witnesses.

The applicant shall attend the trial Court on each and every date.

The applicant shall not leave the jurisdiction of trial Court without prior permission.

The applicant shall not reside in village Leva (Vasant Nagar Tanda), Tahsil Mahagaon, District Yavatmal till the decision of the trial.

The applicant shall furnish his residential address and mobile number etc. to the Police Station Officer, Police Station Mahagaon, District Yavatmal.

JUDGE