

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

CRIMINAL APPLICATION (BA) NO.460 OF 2020

(Raju alias Rajesh Shriram Varankar Vs. The State of Maharashtra thr. PSO PS
Jalgaon (Jamod), Tah. Jalgaon, Dist. Buldhana)

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

Court's or Judge's orders.

Shri A.M. Kukday, Advocate for Applicant.
Shri N.B. Jawade, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 3rd SEPTEMBER, 2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2] Heard.

3] The allegation is that the applicant committed patricide.

4] Arguing for bail, Shri Amit Kukday would submit that the prosecution case is entirely based on circumstantial evidence. The two circumstances noted by the learned Sessions Judge while rejecting bail are that blood stained boots were seized from the spot and the sniffer dog whose aid was taken by the Investigating Officer barked at the applicant and further that the weapon of offence which is

wooden stick was recovered pursuant to section 27 of the Indian Evidence Act memorandum.

5] While there is no eye witness to the actual assault, the statement of the mother of the applicant is that the applicant and the deceased were both addicted to liquor. The mother further states that the applicant used to quarrel with her and there were also frequent quarrels between the applicant and the deceased. She has referred to one incident which occurred two months prior to the alleged murder. According to the mother, the applicant assaulted the deceased and the mother of the deceased, which was duly reported to the police. She further states that on 08.03.2018 the deceased came to the farm and started abusing her and the applicant and in a fit of rage the applicant left the house to confront the deceased. She speaks of an altercation and then the applicant returning to the house.

6] At this stage, it cannot be said that there is no material to connect the applicant with the crime. The motive was undoubtedly there. The mother of the applicant also refers to the insistence of the applicant that the agricultural field be transferred in his name. She speaks of an altercation immediately before the death. The weapon is discovered at the behest of the applicant.

7] No case is made out for grant of bail.

8] The application is dismissed.

9] The order be communicated to the counsel appearing for the parties, either on the e-mail address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

NSN