

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

Criminal Application (BA) No. 469 of 2020

*[Haridas Shriram Dhokne Vs. State of Maharashtra through P.S.O., Akot Rural, Tq. Akot,
Dist. Akola]*

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Vipul Bhise, Advocate for the applicant
Shri Shamsi Haider, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATE : 08/09/2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard learned Advocate Shri Vipul Bhise for the applicant. He has submitted that the applicant is arrested for the offence punishable under Sections 324, 302, 304 read with Section 34 of the Indian Penal Code (IPC). Learned Advocate has submitted that one of the accused, namely, Purushottam Aswar is released by the trial Court on bail. Learned Advocate has submitted that there was no any intention of accused to kill deceased. Deceased himself provoked the accused. The accused himself was under the influence of liquor. Deceased abused the wife of present applicant in filthy language. The present applicant beat deceased by stick and, therefore, offence punishable under Section 324 of the IPC was initially registered. During the treatment, deceased died. Thereafter offence punishable under Section 302 of the

IPC was registered.

3. Learned Advocate Shri Bhise has pointed out charge-sheet and submitted that as per the substance in the charge-sheet, the Investigating Agency has submitted that offence punishable under Section 304 of the Indian Penal Code is made out.

4. Heard Ms. Haider, learned Additional Public Prosecutor for the non-applicant/State. She has strongly objected the application.

5. Perused the statement of Nilesh Wasudeo Tade. As per his statement, deceased was under the influence of liquor. He abused the wife of applicant. He was saying that wife of applicant is prostitute. His daughter is also a prostitute. Due to the provocations given by deceased, incident took place. The applicant beat deceased by stick. Whether the applicant had intention to kill or not is to be decided by the trial Court. As per the submissions of prosecution agency itself, offence punishable under Section 304 of IPC is made out. Looking to the punishment provided under Section 304 of IPC and the statement of Nilesh Wasudeo Tade, it appears that deceased himself provoked the applicant. Looking to the allegations against the applicant, he is entitled for bail. Hence, the following order.

(I) The application is allowed.

(II) The applicant be released on bail on executing PR Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of like amount on following conditions.

(a) The applicant shall not tamper the evidence of prosecution witnesses.

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

6. The application is disposed of.

JUDGE

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