

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

Criminal Application (BA) No. _____ of 2020 (LD-VC No. 800 of 2020)

*[Lokesh S/o Nagorao Jadhav Vs. State of Maharashtra through P.S.O., P.S. Kurha, Tq. Tiosa,
Dist. Amravati]*

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

Court's or Judge's Order

Shri P. R. Agrawal, Advocate for the applicant
Shri N. B. Jawade, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATE : 13/08/2020

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

2. Heard learned Advocate Shri P. R. Agrawal for the applicant. He has pointed out the order passed by this Court in LD-VC Criminal Application (BA) No. 481 of 2020 and submitted that two co-accused are released by the Sessions Court and one accused, namely, Jitesh is released by this Court by order dated 13-7-2020. Learned Advocate has submitted that material eye witnesses have stated that accused Lokesh and Jitesh were having iron pipes and sticks in their hands. Deceased was admitted in hospital on 28-2-2020 and he died on 4-3-2020. No attempt was made to record his dying declaration. Learned Advocate has submitted that deceased died because of one head injury. There is ambiguity in respect of causing injury by a particular accused. As per

statements of witnesses, Lokesh and Ramdas were having iron rods and Jitesh was having wooden stick in their hands. Only one injury was caused. Who caused injury is not clear.

3. The application is strongly opposed by Shri Jawade, learned Additional Public Prosecutor. He has submitted that dying declaration could not be recorded because the patient was not in a position to give the statement and, therefore, it cannot be a ground to grant bail. Learned Additional Public Prosecutor has submitted that the applicant is a person who caused head injury to deceased. Therefore, the application is liable to be rejected.

4. Perused the charge-sheet. From the perusal of charge-sheet, it appears that there was quarrel between the accused and deceased before one day of incident. On the day of incident, there was function in the house of Shrawan Rathod. While returning, there was quarrel between deceased and accused persons. From the perusal of statements of witnesses, it appears that accused persons were having iron rods and wooden stick. Accused beat the deceased. It is pertinent to note that only one injury was found on the head of deceased. Who caused said injury is not clear. Looking to the submissions, the application is allowed.

5. The applicant be released on bail on executing PR Bond in the sum of Rs. 50,000/- (Rupees Twenty Five Thousand only) with two solvent sureties in like amount on following conditions.

(a) The applicant shall not enter Village, Salora Tasare, Tq. Tiosa, District Amravati till the trial is over.

(b) The applicant shall not tamper with the prosecution witnesses nor threaten them.

6. Needless to say that any observations made in this order shall not affect the trial adversely.

7. The application is disposed of.

8. This order be communicated to the Counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

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