

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

Criminal Application (BA) No. _____ of 2020 (LD-VC No. 556 of 2020)

*[Devidas Zumbraji Sheje Vs. State of Maharashtra through P.S.O., Yewda, Tq. Daryapur,
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 S. G. Jagtap, Advocate for the applicant
Shri N. H. Joshi, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATE : 27/07/2020

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

2. Heard learned Advocate Shri Jagtap for the applicant. He has pointed out statement of eye witness Shri Gajanan Walse and submitted that deceased himself provoked the accused. There was quarrel between them and during quarrel, the applicant in a fit of anger gave blow of stick and, therefore, deceased died. The applicant had no any intention to kill deceased, therefore, learned Advocate prayed to release the applicant on bail.

3. The application is strongly opposed by Shri Joshi, learned Additional Public Prosecutor. He has submitted that Gajanan Walse is eye witness of the incident. He has stated that the applicant gave blow of stick and, therefore, deceased died.

4. From the perusal of statement of eye witness, it appears that deceased started quarrel with the applicant. He was abusing the applicant. During the quarrel, the applicant gave blow of stick on the head and chest of deceased. Deceased sustained injuries and died. Whether the offence punishable under Section 302 or 304 of the Indian Penal Code is to be decided by the trial Court. It appears from the statement of eye witness Gajanan Walse that incident took place due to the abuses given by deceased himself. The applicant is entitled for bail. Hence, following order.

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

- (i) The applicant shall not tamper the evidence of prosecution witness
- (ii) The applicant shall attend the trial Court on each and every date.
- (iii) The applicant shall not leave the jurisdiction of trial Court without prior permission.
- (iv) Breach of any condition amounts to cancellation of bail.

5. The application is disposed of.

6. 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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