

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

CRIMINAL APPLICATION (BA) NO. 962 OF 2020

Ganesh s/o Rambhau More, Yavatmal (In jail)

Vs.

State of Maharashtra

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

Shri V. V. Patre, Advocate for the applicant.

Shri S.A. Ashirgade, A.P.P. for the respondent/State.

CORAM : PUSHPA V. GANEDIWALA, J.

DATED : NOVEMBER 23, 2020.

Heard Shri Patre, learned counsel for the applicant and Shri Ashirgade, learned A.P.P. for the respondent/State, through Video Conferencing.

2. The applicant is said to be arrested on March 31, 2020 in connection with Crime No. 234/2020 dated March 31, 2020 registered at Arni, District Yavatmal for the offences punishable under Sections 302, 307, 294 and 504 read with Section 34 of the Indian Penal Code, 1860.

3. It is the case of the prosecution that on March 30, 2020, at about 7:30 p.m., the present applicant, under the influence of liquor, was quarreling with his father Rambhau More. At that time, his brother Shubham was also there. Due to this quarrel, the nearby persons in the locality gathered there. The present applicant passed comments against the women of "Koli" community. When the father of the informant intervened, the present applicant assaulted

him by means of fist-blows as a result of which he fell down. Then, the present applicant took out a knife from his pocket, however, the same was snatched by the mother of the informant and gave it to Shubham to take it to his house, but Shubham had also assaulted the father of the informant with knife and caused bleeding injuries. When the said knife fell down on the ground from the hands of Shubham, the present applicant immediately picked up that knife and inflicted 3-4 blows on the father of the informant. When the brother of the informant – Suryakant intervened, the present applicant also inflicted blows of knife on the chest of Suryakant. Consequently, he fell down. The injured was taken to the hospital where he succumbed to the injuries.

4. Shri Patre, learned counsel for the applicant, vehemently argued that the incident occurred on the spur of moment in a heat of anger and there was no premeditation or intention to commit murder. He further submits that the co-accused Shubham has already been released on bail by the learned Sessions Court and, therefore, he urge to release the present applicant also on bail.

5. Shri Ashirgade, learned A.P.P, strongly opposed the bail application vide its reply affidavit.

6. I have considered the submissions put forth on behalf of both the sides.

7. At the outset, a bare perusal of the chargesheet would reveal that there are eye-witnesses to the incident.

The weapon used is knife and the injuries were on the vital part of the deceased Suryakant. The present applicant not only inflicted several blows with knife on the father of the informant, but also caused vital injuries with the same knife on the chest of the brother of the informant, who ultimately succumbed to the injuries. Also, the role attributed to the present applicant is much greater than the role attributed to the co-accused Shubham.

8. Considering the nature of weapon, and the vital part of the body to which the injuries were inflicted without any fault of the brother of the informant, in my opinion, no case for bail is made out. Hence, the instant bail application is rejected. However, considering the age of the applicant, the trial is expedited and to be completed preferably till December-2021.

JUDGE

Sumit