

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

CRIMINAL APPLICATION (BA) NO. 1035 OF 2020

Sau. Kamini Panditrao Thokal and another

Vrs.

The State of Maharashtra, thr. P.S.O., P.S. Karanja Lad, Tq. Karanja Lad, Dist. Washim

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

Court's or Judge's Order

Shri A.S. Deshpande, Adv. for the applicant.
Shri H.D. Dubey, APP for the non-applicant / State.

.....

CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 18, 2020.

Heard.

2. The applicants are seeking bail in Crime No. 239/2020 registered at Police Station Karanja Lad, Tq. Karanja Lad, Dist. Washim, for the offence punishable under Sections 302, 307, 323 read with Section 34 of the Indian Penal Code.

3. The allegation against the present applicants are that they along with their son assaulted deceased – Gajanan Thokal by means of iron rod and committed his murder.

4. I have perused the application, affidavit-in-reply filed on behalf of the State and the charge-sheet with the assistance of learned counsel on behalf of both the sides.

5. At the outset, the murder is the outcome of the quarrel between two field owners on the issue of their ownership to the field. The prosecution story is that during the verbal quarrel the son – Praful of the present

applicants came with iron rod and assaulted the son of the informant. Thereafter, the present applicants also came with iron rods in their hands. However, the eye witness - husband of the informant - Babulal does not say that these applicants assaulted the deceased with iron rod.

6. The postmortem report shows only four injuries on the body of the deceased. This indicates that the present applicants though present on the spot did not use weapon for the assault.

7. It appears that the murder is the outcome of the dispute between two adjacent field owners on the issue of ownership and considering the role attributed to the present applicants and coupled with the fact that the investigation is completed and the charge-sheet is also filed, this Court is inclined to grant them conditional bail. Hence, the following order :

(i) The applicants – (i) Sau. Kamini Panditrao Thokal and (ii) Panditrao Gangaram Thokal shall be released on bail on executing Personal bond of Rs. 25,000/- (Rs. Twenty five thousand only) each with one surety each in the like amount.

(ii) The applicants shall not tamper with the evidence of prosecution witnesses.

(iii) The applicants to attend the concerned police station once in a month i.e. on every first Tuesday of the month between 12.00 noon and 2.00 p.m.

8. Needless to mention that the observations made in this application are strictly for deciding the present application of the applicant and the trial Court shall not get influenced by the same and shall be free to decide the matter on its merits.

9. The criminal application is disposed of accordingly.

JUDGE

D.S. Baldwa