

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

Criminal Application (BA) No.1214 of 2020

Pankaj S/o Vinayak Dhoke

Versus

State of Maharashtra, through P.S.O., P.S. Kuhi, Dist. Nagpur.

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

Shri C.R. Thakur, Advocate for Applicant.

Shri H.D. Dubey, APP for Non-Applicant.

Coram : Pushpa V. Ganediwala, J.

Date : 21st December, 2020

Heard Shri C.R. Thakur, learned counsel for the applicant,
and Shri H.D. Dubey, learned APP for the non-applicant – State.

2. The applicant is seeking bail in Crime No.327 of 2020 registered at Police Station Kuhi, District Nagpur for the offence punishable under Section 302 of the Indian Penal Code.

3. The prosecution story is that the applicant was residing in the house of the younger brother of the complainant, where the deceased was also residing. It is stated that on the day of incident, the deceased assaulted the applicant with sickle and in counter-attack, the applicant assaulted the deceased by means of sickle, wooden stick and stone; due to this the deceased succumbed to his injuries.

4. There is no eye-witness to the incident. The prosecution story is based on the extra-judicial confession by the accused. There is no seizure of the weapon. The investigation is completed

and the chargesheet is filed. The prosecution also could not point out any criminal antecedents against the present applicant. The only serious injury sustained to the deceased was on the head, which is the cause of death. It appears that the incident occurred due to sudden provocation by the deceased. Considering these aspects, this Court is inclined to grant bail to the applicant on the following conditions :

(i) The applicant – Pankaj S/o Vinayak Dhoke, shall be released on bail on his executing a personal bond of Rs.25,000/- (Rs. Twenty Five thousand only) with one surety in the like amount.

(ii) The applicant shall not issue threats or tamper with the prosecution witnesses.

(iii) The applicant shall attend Police Station Kuhi, District Nagpur once in a month on every first Thursday of the month.

5. 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.

6. The criminal application stands disposed of.

JUDGE.