

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

CRIMINAL APPLICATION (BA) NO.1153/2019

Sandeep Dashrath Dongre vs. State of Maharashtra through PSO P.S.
Mouda, Dist. Nagpur.

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

Court's or Judge's orders.

Mr. S. Borkar, Advocate for applicant.

Mr. N. R. Rode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : JANUARY 07, 2020

Heard Mr. Borkar, learned counsel for applicant and Mr. Rode, learned A.P.P. for non applicant-State. Also seen the reply and other investigation papers.

The applicant is arrested on 07.11.2019 in connection with Crime No.808/2019 registered with Police Station, Mouda, Dist. Nagpur for an offence punishable under Section 302 read with Section 504 of the Indian Penal Code (IPC). The prosecution case starts with a report lodged by Arun Hirekhan. As per his report, on 03.11.2019, after returning from his agricultural field, he came to the place of his uncle Dharampal to watch Twenty20 match between India and Bangladesh. At 8.00 O'clock in the night, his son Nikhil came and informed that Sandeep Dongre i.e. the present applicant, is giving abuses to him. Therefore, the first informant Arun Hirekhan went on the spot to inquire about the same. On noticing the first informant Arun, the applicant again wrecked up his bad words and started

abusing that the first informant has stolen his bullocks worth Rs.50,000/-. According to the FIR, that time, deceased Ajab Sahare came and asked the applicant that he should not use filthy language since he is under the influence of liquor. Due to this, according to the FIR, the applicant gave 2-3 slaps to said Ajab Sahare, the deceased and pushed him, resulting into he falling on cement otta and suffering injures on the head and ultimately he died.

Though the investigation is in progress, statement of the eye witness are already recorded. From statements of the eye witnesses, it is clear that they are supporting the first informant Arun. However, it is clear that none of the statements disclose any intention of the applicant to commit murder. It appears that the deceased tried to intervene in the verbal quarrel that was going on between the applicant and first informant Arun and during the verbal quarrel, the applicant pushed the deceased on cement otta.

The investigation is almost complete as it could be seen from the investigation papers and only filing of the charge-sheet is remained to be done.

In view of the aforesaid nature of the accusation and in view of the fact that the applicant is a villager having no criminal record to his discredit, he is entitled to be released on bail. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Sandeep Dashrath Dongre be released on bail in connection with Crime No.808/2019 registered

with Police Station, Mouda, Dist. Nagpur for an offence punishable under Section 302 read with Section 504 of the Indian Penal Code, on he executing P.R. Bond in the sum of Rs.5,000/- with one solvent surety in the like amount.

(iii) Applicant is directed to attend Police Station Mouda, Dist. Nagpur once in a week i.e. on every Thursday between 03.00 p.m. to 05.00 p.m., till filing of the charge-sheet. After filing of the charge-sheet, applicant shall attend the police station once in every three months till culmination of the trial.

The application is disposed of.

JUDGE

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