

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

CRIMINAL APPLICATION (BA) NO. 1192 OF 2019

Nanarao s/o Ramoshi Pawar .Vs. State of Maharashtra, through PSO, PS,
Malegao, Dist. Washim.

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

Court's or Judge's orders.

Mr. A.P. Tathod, Advocate for applicant.

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

CORAM : V. M. DESHPANDE, J.

DATED : JANUARY 22, 2020.

Heard Mr. Tathod, learned counsel for the applicant and Mr. Rode, learned Additional Public Prosecutor for non applicant-State. Also perused the entire charge-sheet placed on record with their able assistance.

Applicant is arrested on 21.07.2019 in connection with Crime No.249/2019 registered with Police Station, Malegaon, Dist.Washim for an offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

Investigation is over and charge-sheet is already filed.

Statement of deceased Manjur Pawar was recorded by Police Officer at Secura Hospital, Washim on 14.07.2019. His statement would show that he is having one son Anil. Marriage of Anil was performed with one Varshabai resident of Zodga (Bk.). His statement would show that after marriage of her, Varsha left her matrimonial house and went somewhere. Though her search was made

she was not found. Statement of Manjur dated 14.07.2019 would show that he is having agricultural field at Zodga (Bk.). His statement further shows that on 29.06.2019 Manjur Pawar came to Zodga for his agricultural work and after doing same in the evening when he was proceeding to his village Waghi he met Santosh Ramoshi Pawar and Nanarao Ramoshi Pawar who are relatives of his daughter-in-law Varsha. When they met him they asked that his daughter Varsha left her place and therefore they should refund the money which he incurred in the marriage of Varsha and Anil. Upon that, according to statement, both of them abused him and assaulted by means of stone which was lying on there. Thereafter, he was admitted at Secura Hospital.

Though statement dated 14.07.2019 disclosed that he was assaulted by means of stone, for the reasons best known to the police machinery, no offence was registered against the present applicant and Santosh.

Manjur Pawar expired on 21.07.2019 and only thereafter the offence is registered. Charge-sheet contains injury report given by Dr. Rajendra Pande, which is available at page 49 of the compilation of this application, which shows that deceased was admitted in the hospital on 01.07.2019. The incident is dated 29.06.2019. Thus after three days, the injured went for medical treatment. Said injury report would show that there was blunt injury on his abdomen occurred three days back.

Entire investigation is over and alleged weapon i.e. stone is recovered at the behest of accused no.1 however it is clear from the recovery panchanama that it was recovered from an open space. Therefore, admissibility of said weapon i.e. stone will have to be decided during trial.

In view of the aforesaid nature of the prosecution case, in my view, when the charge-sheet is already filed and there is no chance of commencing the trial as even the charge is also not framed against the applicant, in my view, applicant can be released on bail. Consequently, I pass the following order:

ORDER

- (i) The application is allowed.
- (ii) Applicant–Nanarao Ramoshi Pawar be released on bail in connection with Crime No.249/2019 registered with Police Station, Malegaon, Dist. Washim for an offence punishable under Section 302 read with Section 34 of the Indian Penal Code, on he executing P.R. bond in the sum of ₹15,000/- with one solvent surety in the like amount.
- (iii) Applicant is directed to attend Police Station, Malegaon, Dist. Washim twice in a month i.e. on first Wednesday and fourth Friday of every month and shall be with the investigating officer from 03:00 p.m. to 05:00 p.m., until culmination of trial.

The application is disposed of.

JUDGE