

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (BA) NO. 62/2021
(Mahadeo s/o Raghobaji Mahure vs. State of Maharashtra :Th.PSO PS
Seloo, Dist. Wardha)

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

Court's or Judge's order

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Mr. D.R. Bhoyar, Advocate for the applicant
Mr. Amit Chutke, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 22nd February, 2021

1. The applicant has filed the present Application under Section 439 of the Cr.P.C. seeking regular bail, for offence punishable u/s. 302 of the Indian Penal Code, registered at Police Station Seloo, Dist. Wardha, in respect of Crime No. 646/2020.

2. I have heard learned counsel for the respective parties. Perused the case papers.

3. Allegations against the applicant are that when the deceased, aged about 75-years, came to him, asking for money, the applicant pushed him, as a result, he fell down on the cement road. The deceased then went to his house, however, unfortunately after some time, he expired.

4. Learned Advocate for the applicant vociferously contended that the applicant had no intention to cause death of the deceased. He submitted that at the most, the offence may fall within the purview of Sections 304 Part-II or Section 323 of IPC. He contended that the applicant is a senior citizen, running 70 years.

5. Learned APP opposed the Application.

6. After hearing both the sides and on a perusal of the case-papers and the reply filed by the prosecution and considering the manner in which the incident had taken place, I am of the opinion that no purpose would be served by keeping him behind the bars. Hence the order :-

ORDER:

The applicant- Mahadeo s/o Raghobaji Mahure, be released on bail for offence punishable u/s. 302 of the Indian Penal Code registered at Police Station Seloo, Dist. Wardha, in respect of Crime No. 646/2020, on his executing a PR bond in the sum of Rs. 25,000/- (rupees twenty five thousand) with one or two solvent sureties in the like amount, on the following conditions :-

- (i) He shall attend the concerned Police Station, on every 1st and 3rd Saturday of each month, between 11.00 and 2.00 pm, till the trial commences.
- (ii) He shall provide his residential address and cellphone number to the concerned Investigating Officer and shall not change the same without prior intimation to the Investigating Officer.
- (iii) He shall not tamper with the prosecution witnesses in any manner.
- (iv) He shall keep himself away from the limits of area where the complainant and other witnesses are residing.
- (v) Two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.
- (vi) Any observations made in this order are only for granting bail to the applicant and it shall not come in the way of the trial Court, during trial.

Criminal Application stands disposed of.

JUDGE

sahare