

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

CRIMINAL APPLICATION [BA] NO. 299/2021.

Bramhanand Bhagwan Ambone.

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R.K. Tiwari, Advocate for the Applicant.

Shri H. Dubey, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : MAY 07, 2021.

Heard learned Counsel for the parties
through video conference.

2. Arrest of applicant in Crime No.746/2020 by the police of Jaripatka Police Station, Nagpur City has led him to approach this Court for grant of regular bail in connection with offence punishable under Section 302 of the Indian Penal Code.

3. The State has resisted the bail by filing its reply affidavit.

2

4. Informant – Ajay Meshram stated that on 09.08.2020, he himself along with the deceased and one Sunil were proceeding by their auto-rickshaw. Around 2.30 p.m. another vehicle driven by the accused came from opposite direction in high speed. There was oral altercations in between the deceased Babulal and the accused at the instance of rash driving. As of a sudden, the accused took out a wooden stick called as 'rafter' and gave a blow on the head of the deceased, who succumbed to the head injury after two days.

5. It is apparent from police papers that the accused and deceased were not knowing each other. The accused was not carrying any weapon at the time of occurrence. Apparently all of a sudden the incident took place at the spur or moment. During oral altercation the accused went back to his vehicle, took out a wooden stick and dealt a blow on the head of the deceased. Besides head injury, i.e. single blow, there are no other injuries on the person of the deceased.

3

6. Having regard to these circumstances, prima facie the submission that the applicant /accused at the most can be held responsible for the offence of culpable homicidal not amounting to murder, bears substance. Of course these are the prima facie observations having no impact of the merits of trial. Investigation in the matter is complete and charge sheet is also filed. In view of above, the applicant/accused has made out a case for grant of bail, hence, the following order.

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Bramhanand Bhagwan Ambone be released on bail in connection with Crime No. 746/2020 by Jaripatka Police Station, Nagpur City for offence punishable under Section 302 of the Indian Penal Code, on his furnishing P.R. Bond of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant/accused shall not directly

Order

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4

or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

JUDGE

Rgd.