

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

CRIMINAL APPLICATION (BA) 256 OF 2020

(Pyarelal Bhagwan Vyavhare..vs.. State, thr PSO, PS Karanja (Gramin) 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.B. Mirza, counsel for applicant.
Mrs. K.R. Deshpande, APP for non-applicant /State.

CORAM: ROHIT B. DEO, J.
DATE:31.08.2021.

The applicant is seeking bail in connection with Crime 201/2019, registered with Police Station, Karanja (Gramin), for offences punishable under sections 302, 452, 326 of Indian Penal Code.

2. The prosecution case is that due to certain previous enmity, at 12.30 afternoon on 5.7.2019, the applicant trespassed in the house of Mr. Manohar Vyavhare, dragged him out and then assaulted a fallen Mr. Manohar on the head with Axe. The injured succumbed on 13.7.2019 and the cause of death is the injuries suffered due to the Axe assault.

3. The daughter-in-law of the deceased is an

eye witness and the informant. Statements of several witnesses are recorded, who have seen the applicant running away from the scene with the Axe. The Axe is recovered pursuant to disclosure of the applicant under section 27 of the Indian Evidence Act. Bloodstained clothes of the applicant are seized, although the report of the Chemical Analyzer is awaited.

4. The evidence on record is overwhelming. The assault was brazen and cruel. The likelihood of the witnesses being influenced, cannot be ruled out since the witnesses are, according to the prosecution, known to the accused since the incident occurred in a small village in Karanja Taluka.

5. No case for grant of bail is made out.

6. The Application is dismissed.

Judge