

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

CRIMINAL APPLICATION (BA) NO.349 OF 2021

Ramesh s/o Ukandaji Sasane

..vs..

State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Shri S.D. Chande, Advocate for Applicant.
Shri I.J. Damle, A.P.P. for Non-applicant/State

CORAM : VINAY JOSHI, J.

DATED : 19/06/2021

Hearing was conducted through Video
Conferencing.

2. By this application, the applicant/accused is seeking bail in Crime No.273 of 2020 registered at Manora Police Station, District Washim for the offence punishable under Section 302 of Indian Penal Code. The Applicant/accused claiming bail by stating that he has been falsely implicated as an accused relating to the death of his own son. It is argued that the applicant himself has initially lodged a report to the Police about the death of his son and expressed suspicion against one villager. According to the applicant, after four days, the statement of some of the villagers were recorded, which are not believable. Moreover, it is argued that medical evidence does not support the story as narrated by the eye-witnesses. Lastly, it is contended that the applicant is old aged person, having responsibility of his wife and two

grand-children on his shoulder, who have already lost their father. The non-applicant/State resisted the bail by reply-affidavit. It is contended that the applicant has committed murder of his own son on family disputes. The applicant has mislead the Investigating agency at initial stage. There are eye-witnesses to the incident and therefore, bail is prayed to be rejected.

3. This case has some what distinct feature, wherein the applicant is arrested for committing murder of his own son. More so, on the following day of the occurrence, the applicant went to the Police Station and reported about the death of his son and expressed suspicion against the villager. The prosecution case is entirely resting on the statement of four witnesses, who after four days of the occurrence, have disclosed that at late midnight, after hearing a sound of beating, they woke-up and saw that the applicant was assaulting to his son. According to the applicant, the witnesses have stated that they heard the sound of repeated beating, but it is argued that there is only one head injury, and therefore, medical evidence is inconsistent. During the course of investigation, at the instance of the applicant, one iron rod pesto (Batta) has been seized. During the course of evidence, it is to be established that the seized article has connection with the crime.

4. Learned Counsel for the Applicant, argued

that it is highly impossible for the villager to see the assailant in dark hours that to around 1.30 am, when they were in sleep. The applicant is 66 years of age. In said incident, the applicant's son has been murdered who had two children living with the applicant – a grandfather.

5. Having regard to the nature of crime, there are no chances of repetition of crime. The applicant is old aged person of 66 years and he is in jail for the period more than one year. There are no criminal antecedents. Investigation is complete and charge-sheet has been filed. The trial will take considerable time for its disposal. In view of the above, the applicant has made out a case for grant of bail, hence, the following order :

- (a) The Criminal Application is allowed and disposed of.
- (b) The Applicant/accused Ramesh s/o Ukandaji Sasane is released on bail in connection with the Crime No.273 of 2020 registered at Manora Police Station, District Washim for the offence punishable under Section 302 of Indian Penal Code, on his furnishing P.R. bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant/accused shall not directly 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

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