

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

CRIMINAL APPLICATION [BA] NO. 491/2021.

Sunil Uddhav Bhoyar.

-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.R. Vyas, Advocate for the Applicant.
Shri H.d. Dubey, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : JUNE 25, 2021.

Hearing was conducted through Video
Conferencing.

2. The applicant Sunil Uddhav Bhoyar came to be arrested in connection with Crime No.617/2020 by police of Chamorshi Police Station, District Gadchiroli for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code. On usual grounds, the applicant has claimed bail with additional submission that there is no evidence against him as well as co-accused Uddhav is already released on bail.

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3. The State has resisted the bail by filing reply – affidavit and pointing out seriousness of the offence.

4. First information report is lodged by mother of the deceased, who allegedly heard that applicant and his father Uddhau beat the deceased Waman by means of a stick. The source of information for the informant is witness Subhash Jalewar. Perusal of statement of said witness Subhash indicates that he is also not the eye witness to the actual occurrence, as he stated regarding quarrel only.

5. The learned A.P.P. has pointed towards statement of one Yeshwant, who is alleged to be the eye witness. Perusal of his statement conveys that initially there was quarrel between co-accused Uddhav and deceased Waman, which he separated. Later on applicant Sunil came on the spot and said that he had beaten the deceased. In true sense, he is also not the eye witness to the actual occurrence.

6. A stick came to be seized at the instance of co-accused Uddhav. Query report indicates that the injuries found on the dead body were not possible by the seized stick. As per post mortem report, there

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were only two abrasions which are termed as antemortem injuries. The cause of death has not been ascertained.

7. The trial Court by taking note of the above circumstances and particularly that the co-accused Uddhav is of 67 years of age, released him on bail. It appears that since the applicant is a young person, discretion was not used in his favour. Considering the nature of accusation and particularly the quality of material collected against the applicant, his further detention is no more justifiable. Already investigation is complete and charge sheet is filed. The trial will take considerable time for its disposal in accordance with law. There are no criminal antecedents against the applicant. In view of that, following order is passed.

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant/accused Sunil Uddhav Bhoyar is released on bail in connection with Crime No.617/2020 registered with Chamorshi Police Station, District Gadchiroli for the offence punishable

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under Section 302 read with Section 34 of the 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.

(iii) 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.

(iv) Misc. Application if any, also stands disposed of.

JUDGE

Rgd.