

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

CRIMINAL APPLICATION (BA) 546 OF 2021

(Mangesh Ramesh Ghangav..vs.. State, thr PSO, PS Pinjar, Dist. Akola)

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

Court's or Judge's orders.

Mr. Ajay Londhe, counsel for applicant.
Mrs. K.R. Deshpande, APP for non-applicant/State.

CORAM: ROHIT B. DEO, J.
DATE:09.07.2021.

*Hearing was conducted through video conferencing
and the learned counsel agreed that the audio and
visual quality was proper.*

Heard.

2. The applicant, who is accused of murdering his aged father, is seeking bail in Crime 55/2020, registered with Police Station, Pinjar, Dist. Akola, for offences punishable under sections 302, 307 of Indian Penal Code ("IPC).

3. The prosecution case is that at 2.00 p.m. on 7.5.2020, the applicant asked his aged mother to serve food and when she refused, the applicant assaulted her and inflicted several lathi blows. Not satisfied with assaulting the mother, the applicant assaulted his paralytic and

helpless father who was dealt several lathi blows.

4. Medical papers reveal that while the mother suffered several injuries including fracture of the arm, the father suffered as many as thirteen injuries including fracture.

5. Mr. Ajay Londhe, the learned counsel would submit that section 302 of IPC would not be applicable and at the most, the offence may fall under section 304 of IPC since the applicant did not intend to cause death.

6. The applicant dealt several lathi blows on the person of his aged and paralyzed father. In the facts of the case, it would not be possible to record even a prima facie finding that there was no intention to cause death or to cause such injury as is sufficient in the ordinary course of nature to cause death. The answer will have to be provided by the trial Court on the basis of the evidence adduced. Notably, clause fourthly of section 300 would apply even if knowledge can be attributed that the act is so eminently

dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death.

7. In my considered view, the applicant is not entitled to bail for reasons more than one. The first reason is that the applicant allegedly assaulted, and brutally assaulted, his aged parents. He injured his mother and then assaulted the ailing and paralytic father. The second reason is that the main witness is the mother and the apprehension of the prosecution that if released on bail, the applicant may emotionally or otherwise influence the mother, is not unjustified.

8. The application is dismissed.

Judge

Belkhede