

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

Criminal Application (APPP) 1315/2021

with

Criminal Application (BA) 717/2021

Rohit Yadav V 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

Mr. A.K. Bhangde, Advocate for applicant.
Mr. T.U. Tathod, Advocate (Assist to prosecution).
Mr. N. S. Rao, APP for State.

CORAM : ROHIT B. DEO, J.
DATE : August, 10, 2021.

Criminal Application (APPP) 1315/2021

The application is allowed.

Criminal Application (BA) 717/2021

Heard Mr. Bhangde, the learned Counsel for the applicant, learned Additional Public Prosecutor Mr. Rao for the State and Mr. Tathod, the learned Counsel for the informant.

2. The applicant is seeking bail in connection with Crime 792 of 2020 registered with Police Station Rajapeth, District Amravati, under Sections 302, 307, 506-B, 143, 147, 148, 149 of the Indian Penal Code (for short, 'I.P.C.') and Section 135 of the Maharashtra Police Act.

3. The alleged incident occurred on 02-12-2020.

4. The deceased and the applicant herein both are involved in criminal activities.

5. While the deceased had several crimes registered, the applicant has three adverse antecedents and one of them is a prosecution under Section 307 of the I.P.C.

6. The case of the prosecution is that the assault emanated from old rivalry.

7. While two co-accused held the deceased in order to facilitate the assault, the applicant Rohit Yadav delivered a knife blow to the neck, which caused death within a short time.

8. The version of the eye witnesses is consistent. The blood stained knife is recovered at the behest of the applicant pursuant to memorandum under Section 27 of the Indian Evidence Act, 1872. There is, therefore, ample material on record to prima facie link the applicant with the crime.

9. The learned Counsel for the applicant Mr. Bhangde would submit that considering the adverse antecedents of the deceased and the fact that even according to the prosecution version considered in juxtaposition with the post mortem report,

a single blow was struck which entitles the applicant to bail. I am not inclined to agree. There cannot be a straight jacket formula and a single blow with knife targeted at the neck, is sufficient to prima facie disclose the intention to cause death. Moreover, considering that the applicant is already facing three prosecutions and one of them is under Section 307 of the I.P.C., the possibility that the applicant would be in a position to subvert the evidence and the trial, is a real possibility.

10. No case is made out for exercise of discretion, the application is dismissed.

11. However, if there is no significant progress in the trial in the next six months, the applicant is at liberty to apply for bail afresh.

JUDGE