

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

Criminal Application (BA) 725/2021

Sarang Meshram 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. D.C. Chahande, Advocate for applicant.
 Ms. T.H. Udeshi, APP for State.

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

The allegation is that the applicant assaulted his uncle Ashok by means of wooden log, in the night intervening 21-01-2021 and 22-01-2021 which caused instantaneous death.

2. The assault was brutal and a sleeping person was targeted. The post mortem report reveals that at least six injuries, which include fracture of the skull were such as could have individually caused death in the ordinary course.

3. The incriminatory material pressed in service is motive, since the applicant and the deceased used to have frequent altercations, the discovery of blood stained wooden log, blood stained lower pant and the remnants of burnt shirt, at the behest of the applicant and extrajudicial confession made to Ankit Meshram on 22-01-2021. Notably, Ankit Meshram is the first cousin of the applicant and there is no material on record to

suggest that Ankit has any reason to falsely implicate the applicant.

4. While it would ultimately be for the trial Court to consider the cumulative effect of the incriminatory material, if proved, to ascertain whether the chain of circumstances is so complete as would exclude several hypothesis than the guilt, at this state, I am satisfied that the prima facie material does not warrant exercise of discretion in favour of the applicant. The application is dismissed.

5. Needless to state that every observation herein is made for the limited purpose for considering the entitlement to bail and shall not cause any prejudice to the accused in the course of the trial.

JUDGE