

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

CRIMINAL APPLICATION (BA) 696 OF 2021

(Samadhan s/o. Bhagwan More..vs..State, thr PSO, PS Buldana (City), Tq. Dist. Buldana)

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

Court's or Judge's orders.

Mr. Anil Mardikar, senior counsel with
Mr. Tejas Deshpande, counsel for applicant.
Mrs. K.R. Deshpande, APP for non-applicant /State.

CORAM: ROHIT B. DEO, J.

DATE:17.09.2021.

Heard.

2. The applicant is arraigned as accused 1 in Crime 83/2021, registered with Police Station Buldana City, for offences punishable under sections 302, 307, 326, 324, 143, 147, 149, 452, 336, 504, 506 of the Indian Penal Code and section 135 of the Maharashtra Police Act.

3. The case of the prosecution, in brief, is that the applicant Samadhan More and the members of his family assaulted Mrs. Kantabai and her husband Mr. Ankush with iron pipe, stick and stone. Mrs. Kantabai succumbed to the injuries on 11.2.2021 while being treated at the hospital.

4. The learned senior counsel Mr. Anil Mardikar

invites my attention to the statements of the four eye witnesses, which includes the husband of the deceased, recorded under section 164 of the Code of Criminal Procedure, 1973. While the witnesses do state that the applicant and his family members assaulted Mrs. Kantabai and her husband Mr. Ankush, every witness states that Mrs. Kantabai and Mr. Ankush started running away to escape the assault, Mrs. Kantabai fell down while running since her feet got entangled in the saree. One eye witness has categorically stated that Mrs. Kantabai's head hit the road divider. Considering the version of the eye witnesses which has come on record in the 164 statements, the fact that the investigation is complete and the chargesheet is filed and that the applicant has no criminal antecedents and is not a flight risk, a case for bail is made out.

5. The applicant be released on bail in connection with Crime 83/2021, registered with Police Station Buldana City, for offences punishable under sections 302, 307, 326, 324, 143, 147, 149, 452, 336, 504, 506 of the Indian Penal Code and section 135 of

the Maharashtra Police Act, on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one solvent surety of the like amount.

6. The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

7. The applicant shall not leave the country without the permission of the trial Court.

Judge

Belkhede