

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

Criminal Application (BA) No. 757 of 2021

[Ramesh Namdeo Lakde and anr. ..vs.. State of Maharashtra through P.S.O., P.S. Gadchiroli,
Dist. Gadchiroli]

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

Court's or Judge's orders

Mr. V. N. Morande, Advocate for the applicant
Mr. M. K. Pathan, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 13-08-2021

The applicants are the brothers of Mrs. 'R' and are
accused of causing death of her husband.

2. Crime 0375/2021 is registered with Police
Station, Gadchiroli, District Gadchiroli for the offences
punishable under Section 302 read with Section 34 of
the Indian Penal Code.

3. The case of the prosecution is that on 15-6-2021,
there was a quarrel between Mrs. 'R' and the deceased
who reside in Village, Gogaon, District Gadchiroli.

4. Mrs. 'R' allegedly summoned her brothers telephonically, who arrived from their Village, Wanki at 3.30 or thereabout on two separate motorcycles.

5. It is alleged that the applicants assaulted their brother-in-law by fists and kicks and dashed his private part with motorcycle, which caused death.

6. In view of the statement of the learned Additional Public Prosecutor that the investigation is nearly complete and the charge-sheet is sent for scrutiny, I have ventured to look into the material in the case diary. Perusal of the postmortem report does not reveal any serious external injury. Two abrasions are noticed. The cause of death is not conclusively stated in the postmortem report. The witnesses who are projected as eye witnesses do not state which of the applicants allegedly dashed the motorcycle against the private part of the deceased. In any event, the possibility that such dash may not be directed at any particular organ cannot be ruled out, even if, the prosecution case is taken at face value.

7. The applicants have no adverse antecedents and are not likely to be unavailable for trial.

8. Considering the circumstances in which according to the prosecution, the incident occurred, a case for grant of bail is made out.

9. The application is allowed.

10. The applicants be released on furnishing PR bonds of ₹ 16,000/- (Rupees Sixteen Thousand) each with solvent surety of like amount on following conditions.

(a) The applicants shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.

(b) The applicants shall not leave the country without the permission of the jurisdictional Court.

11. Needless to say every observation made herein is a *prima facie* observation made for the limited purpose

of deciding entitlement to bail and shall not prejudice the case of the prosecution in the trial.

JUDGE

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