

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

Criminal Application (BA) No. 831 of 2021

[Gopal S/o Vijay Chavan ..vs.. State of Maharashtra through P.S.O., Dhamangaon Badhe,
Dist. Buldhana]

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

Court's or Judge's orders

Mr. Vivek Awchat, Advocate for the applicant
Mr. N. S. Rao, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 27-08-2021

The accusation is that the applicant assaulted his wife with stone and sickle, the three head injuries sustained are the cause of death.

2. The statement of the minor son, who is an eye witness, is recorded. He stated that like usual, the applicant was quarreling with the deceased, then the applicant declared that he would kill her and then dealt blow with stone on her head. The minor son then states that after his mother fell down, she was assaulted by sickle. This version of the child is reflected in the report lodged by the mother of the deceased. The statement of the minor child is recorded under Section 161 of the Code of Criminal Procedure, 1973 and broadly is

consistent with the disclosure to the mother of the deceased.

3. I have perused the material on record and the *prima facie* case appears to be formidable.

4. Apart from the fact that the accusation is grave and the *prima facie* case is overwhelming, the Court cannot be oblivious to the fact that the eye witness is the minor son, who may be compromised, if the applicant is released on bail. In this view of the matter, I am not inclined to grant bail at this stage and it would be more appropriate, if the trial is expedited.

5. The application is dismissed. However, the trial Judge shall frame the charge, if not already framed, within the next 30 days and shall thereafter conclude the trial as expeditiously as possible, and in any event, within the next eight months.

6. If there is no significant progress in the trial within the next six months, the applicant shall be entitled to approach this Court afresh, for bail.

7. The Registry shall bring this order to the Registry of the trial Court within the next 7 days.

JUDGE

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