

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

CRIMINAL APPLICATION (BA) NO.891 OF 2021

(Amol s/o Ashok Bagde Vs. State of Maharashtra thr. PSO PS Deolapar, Dist. Nagpur)

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

Court's or Judge's orders.

Mr. C. H. Jaltare, Advocate for Applicant.
Mr. N. S. Rao, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 22nd SEPTEMBER, 2021.

The applicant – Amol Bagde is seeking bail in connection with Crime 35/2021 registered with the Police Station Deolapar, District Nagpur for offences punishable under sections 302, 326, 504 read with section 34 of the Indian Penal Code.

2. The prosecution case is that deceased Vishwas Meshram married Priyanka, the daughter of Ashok Bagde and the sister of the applicant, seven years prior to the incident. The marriage was not taken kindly by Priyanka's family and there were altercation on trivial issue, off and on.

3. It is alleged that on 12.03.2021, Vishwas, who resided at Nagpur in connection with his job at a petrol pump, had come to the Hiwra Bazar village to attend an engagement function. At 09:30 p.m. or thereabout one

truck transporting *gitti* (bitumen) meant for the civil work which was on going at the residence of Ashok Bagde, dumped the material in the court-yard of the house of Vishwas Meshram, who objected and asked the truck driver to call his owner and in response it was the applicant Amol Bagde who approached Vishwas and started abusing him. It is alleged that Vishwas asked the applicant Amol Bagde whether the spot where the material was dumped is owned by his father. The applicant Amol Bagde rushed threateningly towards Vishwas with a stick. However, witness Shobhabai Meshram intervened and removed the stick. It is then alleged that co-accused Ashwin Bagde then came armed with an iron rod, picked up an altercation with Vishwas and inflicted blows on his head Vishwas was admitted at Medical College and Hospital, Nagpur where he succumbed on 20.03.2021.

4. Considering that the consistent version of the informant and the witnesses attributes an extremely limited role to the applicant, which is that he rushed towards Vishwas armed with a stick, and there is no further overt-act alleged, a case for grant of bail is made out particularly since the applicant has no antecedents and is not a flight risk.

5. However, since the family of Vishwas and the applicant are neighbours, and there is long standing bad blood, it would be appropriate if the applicant does not

enter the limits of the Hiwra Bazar village till the conclusion of the trial.

6. The applicant shall be released on bail on executing personal bond of Rs.25,000/- (Rupees Twenty Five Thousand) with a solvent surety of like amount.

7. The applicant shall not enter the territorial limits of village Hiwra Bazar, till the conclusion of the trial.

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

9. The applicant shall attend each date of hearing scrupulously.

10. The applicant shall not leave the country without the permission of the Trial Court.

JUDGE