

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

CRIMINAL APPLICATION (BA) NO. 948 OF 2021

(Prashant Purushottam Sadmake ..vs.. State of Maharashtra, through PSO, PS Armori)

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

Court's or Judge's orders

Mr. R.R. Vyas, Counsel for the applicant,
Mrs. Kalyani Deshpande, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 21-09-2021

The alleged incident occurred on 18-12-2019 at 7-00 p.m. approximately. Deceased Purushottam was the applicant's father. According to the prosecution, in the midst of a verbal altercation, the applicant pulled out a wooden stick from the bonfire and dealt a blow to the head of Purushottam, which proved fatal.

2. The deceased has an adult daughter from second marriage, and she was present when the alleged incident occurred. However, it appears that enquiry under Section 174 of the Criminal Procedure Code was initiated and the crime is registered only on 21-12-2019.

3. Mr. R.R. Vyas, learned Counsel would invite my attention to several circumstances which according to him, dilute the credibility of the version of the witnesses. It would not be necessary, at this stage, to make any decisive observation.

4. The applicant has no criminal antecedents. The investigation is complete. Even if the entire prosecution case is accepted, a solitary blow with a wooden stick pulled out from the fire place/bonfire is used and a single blow struck. The applicant is in custody since 21-12-2019.

5. In my considered view, further incarceration would amount to pretrial punishment. The applicant is entitled to bail with certain conditions since the witnesses are close relatives.

6. The application is allowed.

7. The applicant shall be released on bail on executing personal bond of Rs.25,000/- with a solvent surety of like amount.

8. The applicant shall not enter the territorial limits of village Maregaon, District-Gadchiroli, till the conclusion of the trial.

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

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

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

JUDGE

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