

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

CRIMINAL APPLICATION (BA) NO.967/2021

(Vijay s/o Raghunath Tayade Vs. State of Maharashtra)

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

Court's or Judge's orders

Mr. M.V.Kothale, Advocate for the applicant.
Mrs. Kalyani Deshpande, APP for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 27-09-2021

The applicant is seeking bail in connection with Crime 261/2000 registered with Police Station, Daryapur, District Amravati for offences punishable under sections 302, 504 read with Section 34 of the Indian Penal Code.

2. The earlier application was withdrawn since the learned Judge was presumably not inclined to grant relief. Perusal of the order dated 2.2.2021 shows that Criminal Application (BA) 23/2021 was heard for some time and then dismissed as withdrawn, with no liberty sought much less reserved.

3. Even otherwise, having scrutinized the material in the charge-sheet, I am satisfied that formidable case is made out against the applicant to connect him with the brutal assault and, therefore, the applicant is not entitled to bail. The version of the witnesses is consistent. The applicant and his father allegedly assaulted the deceased

with sword stick (Gupti) and spear. The injuries, which caused death, are attributable to assault by the applicant. The weapons of offence are recovered at the behest of the applicant - Vijay.

4. Some attempt was made by learned counsel Mr. Kothale, to submit that it was the deceased, who was the aggressor. Such submission is contrary to the record. In any event, the deceased was armed only with a stick and in a village, it would be extremely common and natural for an adult male to possess a stick. The statement of witness Sandeep on which the learned counsel Mr. Kothale is relying, does not take the case any further. Even it is assumed that it was the deceased, who abused, at some point of time, the applicant, or that he raised "stick", the material on record shows that the applicant and his father approached the deceased armed with deadly weapons and the applicant launched assault on the vital part of the body, which caused death. The final submission is that stringent conditions are imposed on the applicant's father, who is granted bail and he, therefore, cannot enter the village, and the applicant may, therefore, be released on bail since there is no other earning member in the family. This submission is noted only as a courtesy to the learned counsel. The offence is extremely serious and if convicted maximum punishment may be death. No indulgence can be shown only on the ground that the 41 years old applicant is the

only earning member of the family.

5. The application is dismissed.

JUDGE

ambulkar