

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

CRIMINAL APPLICATION (BA) NO.1008 OF 2021

(Arjun s/o Pandurang Rathod Vs. State of Maharashtra thr. PSO PS Mahagaon, Dist.
Yavatmal)

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

Court's or Judge's orders.

Mr. R. D. Hajare, Advocate (Appointed) for Applicant.
Mrs. K. R. Deshpande, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.
DATE: 2nd DECEMBER, 2021.

The applicant is seeking bail in connection with Crime 500/2019 registered at Police Station Mahagaon, District Yavatmal for offences punishable under Sections 302, 324 and 504 of the Indian Penal Code.

2. The allegation is that on 06.09.2019 the applicant assaulted his elder brother Gopal with an iron rod, on a trivial issue. The applicant also assaulted his mother. While Gopal succumbed to injuries suffered in the assault, the mother of the applicant suffered injuries to the head.

3. *Prima facie*, there is sufficient material to connect the accused with the crime. The material witnesses are the mother, and two cousins of the applicant who are projected as eye witnesses to the assault.

4. The learned APP Mrs. Deshpande informs the

Court that the charge is likely to be framed on 06.12.2021.

5. Considering the material on record, and the fact that the material witnesses are closely related to the applicant, an early trial would be more appropriate than releasing the applicant on bail.

6. While this application is dismissed, the learned trial Judge is requested to frame the charge on 06.12.2021 and then to proceed with the trial as expeditiously as possible.

7. After the eye witnesses are examined, the applicant shall be at liberty to apply for bail afresh before the learned trial court and if such an application is preferred, the same shall be considered on its own merit.

8. The fees of the learned appointed counsel Mr. R. D. Hajare be quantified and paid in accordance with rules.

JUDGE

NSN