

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

CRIMINAL APPLICATION (BA) NO. 1046 OF 2021

(Uddhal s/o Tulsiram Choudhary ..vs.. State of Maharashtra, through PSO Ramtek, Nagpur)

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

Court's or Judge's orders

Mr. A.G. Hunge, Counsel for the applicant,
Mr. N.S. Rao, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 12-10-2021

The applicant is seeking bail in connection with Crime 604/2020 registered with Ramtek Police Station, District-Nagpur, for offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

2. The prosecution case is that the applicant and his wife strangled to death, their son, who was habituated to drinking liquor, in the night intervening 30-10-2021 and 31-10-2021. It is the case of the prosecution that the deceased came home under the influence of liquor, picked up an altercation with the parents, and during the course of the altercation, the applicant strangled the deceased to death with rope. The rope is recovered at the behest of the applicant and is sent for chemical analysis.

3. While there is no eyewitness, and it is not expected that there would be eyewitness to such an incident, there is material on record to *prima facie* arouse

strong suspicion, considering that the death appears to be homicidal, as is discernible from the post-mortem report, and the incident occurred at the residential house of the applicant, the co-accused and the deceased.

4. However, even a strong *prima facie* case is not necessarily fetter on this Court's power to grant bail.

5. Considering the totality of the circumstances, particularly the fact that the investigation is complete and given the nature of evidence, there is no possibility that the applicant shall be in a position to influence any witness or tamper with the evidence as such, the fact that the possibility that some untoward incident may be occurred pursuant to some act done by the deceased under the influence of liquor, cannot be ruled out, I am inclined to grant bail.

6. The application is allowed.

7. 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.

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

adgokar