

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

CRIMINAL APPLICATION (BA) NO. 1258 OF 2020

(Ajay s/o Ramkhilawan Yadao, Amravati 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.

Shri R.M. Daga, Advocate for the applicant.
Shri H.D. Dubey, A.P.P. for the respondent.

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CORAM : PUSHPA V. GANEDIWALA, J.
JANUARY 06, 2021.

Heard.

2] This is an application for grant of bail in Crime No. 704/2020 dated 30/07/2020 registered at Police Station, Frezarpura, District - Amravati for the offences punishable under Sections 302, 324, 341, 143, 147, 148, 149, 294, 504 and 506 of the Indian Penal Code, 1860.

3] The allegation against the present applicant, as per the prosecution case, is that he along with three other co-accused committed murder of the deceased Kanhaiyya Lidia by means of an axe.

4] It is stated that the cause of murder is the dispute between the applicant and the deceased with regard to stanch smell coming from the cattle shed, owned by the present applicant. It is further stated

that while the deceased was going on a motorcycle, at some distance from his house, the applicant, armed with an axe, and that three other co-accused, armed with wooden rods, intervened and stopped the deceased, and started assaulting him on all over his body.

5] The specific role attributed to the present applicant is that he assaulted the deceased with axe on his head and also on other parts of his body. The cause of death, as per the postmortem report, is head injury.

6] Shri Daga, learned counsel for the applicant, vehemently submitted that all other co-accused, who also allegedly participated in assaulting the deceased on head, have been released on bail by the trial Court. He further submitted that the postmortem report does not show any stab injury caused by means of an axe.

7] I have perused the MLC report. Dr. N.S. Solanke, who examined the deceased on 30/07/2020 at District Hospital, Amravati, noticed following injuries :-

i) Lacerated wound of grievous nature of size 3 X 2 X 1 cm over left parietal region.

ii) Abrasion of moderate nature of 4 X 2 cm.

The inquest panchanama shows wound on the middle portion of head of size 4 cm, having two stitches.

The postmortem report also reflects stitched wound towards left parietal region, and diffuse scalp hemorrhage of size 60 meter over side skull. The contention that this injury is surgically intervened, cannot be accepted.

8] There are eye-witnesses to the incident. The incident is not the outcome of a sudden quarrel, rather it appears that it is a premeditated plan. The present applicant appears to be the main accused.

9] In the given facts, so also considering the role attributed to the present applicant, this Court is of the opinion that he does not deserve parity. Hence, the application is rejected.

JUDGE

Sumit