

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

CRIMINAL APPLICATION (BA) NO. 1278 OF 2020

(Sudhakar s/o Dadarao Akhand vs. The State of Maharashtra thr. PSO, PS Kalmeshwar,
District - Nagpur)

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

Court's or Judge's orders.

Shri P.V. Navlani, Advocate for the applicant.
Mrs. S. Jachak, APP for the non-applicant – State.

.....

CORAM : PUSHPA V. GANEDIWALA, J.
JANUARY 04, 2021.

Heard Shri Navlani, learned counsel for
the applicant and Mrs. Jachak, learned APP for the
non-applicant – State.

2. The applicant – Sudhakar s/o Dadarao
Akhand, is seeking bail in Crime No. 464 of 2020 for
the offence punishable under Section 302 of the
Indian Penal Code, registered by Kalmeshwar Police
Station, Nagpur.

3. The allegation against the present
applicant is that he murdered his brother by means of
stick. The case is based on circumstantial evidence
and the prosecution could not point out from the
charge sheet the sufficient link of circumstances

connecting the present applicant with the crime. It is stated that the deceased was drunkard and was a nuisance to the society. Due to his wild behaviour, his wife once attempted to commit suicide. He is arraigned in the crime on the basis of extra-judicial confession.

4. One witness has seen the applicant running behind the deceased with a stick. The post mortem report shows only one injury in column 17. The probable cause of death is “due to head injury with intracranial haemorrhage”. The alleged weapon is wooden stick. There is no eye witness to the incident.

5. Considering the nature of material available against the applicant and the fact that the investigation is completed and the charge sheet is also filed, this Court is inclined to grant him bail. Hence, Criminal application is allowed on the following conditions :

(i) The applicant – Sudhakar s/o Dadarao Akhand, shall be released on bail on executing Personal Bond of Rs.25,000/- (Rs. Twenty five thousand only) with one surety in the like amount.

(ii) The applicant shall not issue threats or tamper the prosecution witnesses.

(iii) The applicant shall attend Police Station once in a month on every first Thursday of the month between 11.00 AM to 1.00 Noon.

7. Needless to mention that the observations made in this application are strictly for deciding the present application of the applicant and the trial Court shall not get influenced by the same and shall be free to decide the matter on its merits.

JUDGE

*GS.