

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (BA) NO. 1309/2020
WITH
CRI.APPP. : 1450/2020
(Piyush s/o Ravindrarao Babre vs. The State of Maharashtra)

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

Court's or Judge's order

.....
Mr. R. M. Daga, Advocate for the applicant
Ms.Amit Chutke, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 27th January, 2021

The applicant has filed the present Application u/s 439 of the Code of Criminal Procedure, seeking bail for offence punishable under sections 302 of the Indian Penal Code registered at Police Station Talegaon, Dist. Wardha, in respect of Crime No.129/2020.

I have heard learned counsel for the respective parties. Perused the case-papers.

The applicant is a student, prosecuting his studies in Polytechnic (Diploma in Engineering). During the evening of 10.7.2020, the father of the applicant came in an inebriated condition and started assaulting his wife as well as present applicant. Somehow, the mother of the applicant managed to escape. She went outside to call her elder son so

as to rescue the applicant from the prevailing situation. However when she returned, to her utter dismay, she saw that her husband was lying in a pool of blood. It is the case of the prosecution that the applicant made an extra-judicial confession before his mother that when his father tried to assault him by means of hammer, he snatched the said hammer and assaulted his father, which resulted into his death.

The learned Advocate for the applicant argued that the applicant is a student prosecuting his Diploma in Engineering and at the most it can be said that in a feat of rage the applicant assaulted his father. Apart from the extra-judicial confession, there is no *prima facie* convincing evidence against the applicant so as to implicate him.

Learned APP opposed the Application; however he fairly admitted that there are no eye witnesses to the actual assault and the prosecution story is solely based on extra judicial confession made to the mother of the applicant.

Considering the manner in which the incident had taken place and considering that the investigation is completed and the charge-sheet is filed and that the applicant has no antecedents, I am of the opinion that the applicant can be released on bail by imposing certain conditions . Hence the

order :-

ORDER:

The applicant-Pirush Ravindrarao Babre, be released on bail for offence punishable under section 302 of the Indian Penal Code, registered at registered at Police Station Talegaon, Dist. Wardha, in respect of Crime No.129/2020, on his executing a PR bond in the sum of Rs. 30,000/- (rupees thirty thousand) with one or two solvent sureties in the like amount, on the following conditions :-

- (i) He shall attend the concerned Police Station once in a month i.e. every 1st Saturday of the month, between 11.00 and 2.00 pm, till the trial commences.
- (ii) He shall provide his residential address and cellphone number to the concerned Investigating Officer and shall not change the same without prior intimation to the Investigating Officer.
- (iii) He shall not tamper with the prosecution witnesses in any manner.
- (iv) Two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.
- (v) Any observations made in this order are only for granting bail to the applicant and it shall not come in the way of the trial Court, during trial.

Criminal Application stands disposed of.

CRI.APPP: 1450/2020

In view of disposal of main Application, this Application does not survive. The same is disposed of.

JUDGE

sahare