

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

CRIMINAL APPLICATION (BA) NO. 1345/2020
(Sachin s/o Vandan Patil vs. State of Maharashtra : Th. PSO Ghatanji
Dist. Yavatmal)

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

Court's or Judge's order

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Mr. S.M. Lodha, Advocate for the applicant
Mr. Amit Chutke, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 11th February, 2021

1. The applicant has filed the present Application u/s 439 of the Cr.P.C. seeking bail, for offence punishable under Section 302 of the Indian Penal Code registered at Police Station Ghatanji, Dist. Yavatmal, in respect of Crime No. 29/2020.

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

3. The prosecution case in brief is that the complainant, who is the wife of the deceased, lodged the report against the applicant, alleging that her husband went to the house of the applicant to demand an amount of Rs. 600/- towards labour charges. At that time, the applicant did not settle the account. Thereafter, the applicant came to the house of the deceased. At that time, a quarrel took place between them and the applicant assaulted the deceased by means of wooden stick on his head, due to which the deceased succumbed to the injuries.

4. Learned Advocate for the applicant contended that there was no intention on the part of the applicant to cause the

death of deceased, however, in a spur of moment and heat of passion, the unfortunate incident had taken place. The post-mortem report shows the cause of death as head injury. He further submitted that at the most, the offence might have been committed u/s. 304 Part II of the IPC.

5. Learned APP opposed the Application rather vociferously.

6. After hearing both sides and on a perusal of the case-papers and the reply filed by the prosecution and considering the manner in which the incident had taken place and since the investigation is almost over and the charge-sheet has been filed, and also the fact that the applicant is languishing behind bars since 14.01.2020, I am of the opinion that the applicant can be released on bail by imposing certain conditions . Hence the order :-

ORDER:

The applicant-Sachin s/o Vandan Patil, be released on bail for offence punishable u/s. 302 of the Indian Penal Code registered at Police Station Ghatanji, Dist. Yavatmal, in respect of Crime No. 29/2020, 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, on every 1st and 3rd Saturday of each 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) He shall keep himself away from the limits of area where the complainant and other witnesses are residing.

(v) Two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.

(vi) 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.

JUDGE

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