

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

CRIMINAL APPLICATION (BA) NO.1126 OF 2021

(Nikhil s/o Tirupati Dhanorkar Vs. State of Maharashtra thr. PSO PS Virur, Dist.
Chandrapur)

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

Court's or Judge's orders.

Mr. R. R. Vyas, Advocate for Applicant.
Mr. M. K. Pathan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 23rd NOVEMBER, 2021.

The applicant and one Bhaurao Tekam are arraigned as accused in Crime 141/2021 registered with Police Station Virur, District Chandrapur for offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code.

2. The applicant is the son of the deceased and is 19 years old. The prime witness is the mother of the applicant and the widow of the deceased. It would not be necessary to minutely examine the material or then the various facets of the version of the applicant's mother. The material would suggest that the deceased was habituated to liquor and his treatment to the applicant and his wife was not idle. It further appears that on the fateful day there was an altercation between the applicant and the deceased. The perception of the applicant, and indeed even the witness, was that the deceased would in every likelihood

squander away the money received from the sale of an ancestral land, since the deceased had earlier allegedly spent the part consideration amount on vices. The version of the witness i.e. the mother of the applicant is that the applicant and the co-accused Bhaurao were in the house with *ubharis* (a wooden stick used in bullock-cart) and she saw the deceased approaching the applicant aggressively after which she left the room and went out. The witness appears to suggest that the applicant and co-accused Bhaurao were with the deceased in the room. The prosecution case is that the body of the deceased was discovered on the railway track in a badly mutilated condition. The autopsy report however, does refer to head injuries.

3. The prosecution case appears to be that the deceased was killed inside the room of his residential house and then the body was kept on the track in order to destroy evidence. There does appear to be material to show that there was an incident in the room. Blood stains are noticed on the floor and on the cupboard etc. The prosecution has also seized the alleged weapons and the remnant of the burnt clothes which the accused were wearing. It is however safe to *prima facie* assume that the deceased was assaulted in side the room, although the final call will have to be taken by the trial Court on the basis of evidence on record.

4. However, it would be entirely a matter of trial to ascertain the circumstances in which the incident occurred,

particularly since the wife of the deceased i.e. the mother of the applicant states that it was the deceased who aggressively rushed towards the applicant. In my view a case for grant of bail was made out considering that the applicant is 19 years old and has no criminal antecedents and that certain aspects are quite blurred. I may note that co-accused Bhaurao is released on bail. This application is allowed subject to the following conditions:

- (i) The applicant shall be released on bail on executing personal bond of Rs.16,000/- (Rupees Sixteen Thousand) with a solvent surety of like amount.
- (ii) The applicant shall not indulge in any criminal activity while on bail.
- (iii) The applicant shall not make any attempt to influence the witnesses, directly or indirectly.
- (iv) The applicant shall attend each date of hearing scrupulously.
- (v) The applicant shall not leave the country without the permission of the jurisdictional Court.

JUDGE