

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

Criminal Application (BA) No. 1237 of 2021

(Ganesh S/o Ramaji Badkal ..vs.. State of Maharashtra through PS.O., P.S. 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

Mr. C. B. Barve, Advocate for the applicant
Mr. N. R. Rode, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.
DATED : 13-12-2021

Heard.

2. The applicant is seeking bail in connection with Crime 339/2021 registered at Police Station, Kalmeshwar District Nagpur for offence punishable under Section 302 of the Indian Penal Code.

3. The deceased was the elder brother of the applicant. The crime is registered on the basis of report dated 4-6-2021 lodged by the mother. The prosecution case as is unfolded in the report is that the deceased was addicted to liquor and used to ill-treat, mentally and physically, the family members including the mother. The informant has stated in the report that she was often abused and assaulted by the deceased. The informant,

who is the sole eye witness, states that the incident occurred at 5.30 p.m. or thereabout. The informant had left her house since she could not bear the ill-treatment meted out by the deceased and was then staying at the agricultural field of acquaintance Subhash Bansod. Deceased came there and picked up a quarrel with the informant. The deceased allegedly abused and physically assaulted the informant. The applicant allegedly responded by assaulting the deceased. A fight ensued, during the course of which the applicant allegedly strangled his elder brother with his T-shirt.

4. While there are certain offences registered against the applicant, they are under the Maharashtra Prohibition Act. Considering the circumstances in which the death occurred, I am not inclined to reject the bail on the ground of registration of such offences.

5. The applicant is not shown to be a flight risk.

6. The application is allowed subject to the following conditions.

(i) The applicant be released on bail on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with solvent surety of the like amount.

(ii) The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

(iii) The applicant shall not leave the country without the permission of the trial Court.

JUDGE

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