

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

CRIMINAL APPLICATION (APPA) NO.179 OF 2022
IN CRIMINAL APPEAL NO.140 OF 2022
(Sunil @ Ranjan s/o Baliram Bhalve vs. State of Maharashtra)

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

Shri H.P. Lingayat, Advocate for applicant/appellant.
Shri A.S. Fulzele, Additional Public Prosecutor for
respondent.

CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.

DATED : JULY 7, 2022

Heard learned Counsel for the parties.

2) It is the contention of Shri Lingayat, learned Counsel for the applicant/appellant, that all links in the chain of circumstances appearing in the prosecution evidence have not been established or proved beyond doubt by the prosecution inasmuch as recovery of axe is doubtful as the applicant did not disclose the place where he had concealed the axe. Alternatively, learned Counsel submits that the incident has taken place at the spur of moment and, therefore, culpability of the applicant is not of such a degree as to warrant a conclusion about his guilt for an offence of murder punishable under Section 302 of Indian Penal Code. He further submits that at the

most Section 304 Part I of Indian Penal Code would be attracted in the present case.

3) Shri Fulzele, learned Additional Public Prosecutor for the respondent, submits that even though the case is based upon the circumstantial evidence, all circumstances have been proved beyond doubt and, therefore, the applicant must not be released on bail.

4) The evidence of P.W.3 Nitin and P.W.6 Sunil shows that they are the persons, who had seen the applicant going along with the deceased and at that time quarrel had occurred between them. It further shows that the applicant was peeved over the threat given by the deceased that she would file a Police complaint against him for the mistake he committed. The applicant had taken boat of the deceased without her permission and that too, for satiating his desire to consume liquor. This evidence is corroborated by the other circumstances and when all the circumstances are taken together in a cumulative way, conclusion that one may have to draw is to record prima facie agreement with the findings recorded by the trial Court.

5) As regards lack of intention and definite knowledge on the part of the applicant when he dealt blows to the deceased taking his case to the area covered by Section 302 of Indian Penal Code,

we are of the view that consideration of this argument would also require a detailed consideration of the evidence available on record, which is not possible at this stage. This can be considered only at the time of final hearing of the appeal.

6) In the result, the criminal application is rejected.

JUDGE

JUDGE

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