

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

CRIMINAL APPLICATION (BA) NO. 1261/2021
Siddharth Ramdas Wankhade ...Versus...State of Maharashtra

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

Court's or Judge's orders

Mr. Atharv Manohar, Advocate for applicant.
Mr. I.Damle, APP for Respondent/State

CORAM : AVINASH G. GHAROTE, J.

DATE : 05/01/2022

Heard Mr. Manohar, learned counsel for the applicant. He submits that the applicant is entitled to bail in view of the statements of Pooja Devidas Chavhan, wife of the deceased; Komal Durgadas Chavhan, sister-in-law of the deceased and Ganesh Laxman Nawle, driver of the vehicle, in which Pooja and Komal were travelling and which was on the spot at the time of incident, considering that their statements do not indicate any action or assault to the deceased by the applicant.

He further submits that it can be also considered to be a case of road rage and therefore, no premeditation on part of the applicant along with the other accused. He further submits that the wife and child of the applicant suffer from sickle cell anemia and therefore, need attention of the applicant, in view of which the case of the applicant be also considered sympathetically.

Learned APP submits that the record indicates the direct involvement of the applicant in the incident and

the eye witnesses viz. Sharad Chandrashekar Bendre (page 80), Hitesh Ramrao Rathod (page 81) and Pintu Jaisingh Chavan (page 82) all attribute direct blows by knife to the deceased by the applicant. He further submits that the applicant has criminal antecedents inasmuch as there are 7 offences registered against the applicant at Police Station Awdootwadi, Yavatmal and Lohara, Yavatmal, under various sections including Sections 302, 307, 324 of IPC. He further submits that the incident is not as a result of a road rage, but in view of the earlier enmity between the deceased and the applicant & the co-accused and therefore, this is not a fit case for the applicant to be released on the bail.

The case diary indicates that the incident had happened on 26.8.2020, when the deceased and the aforesaid witnesses namely Sharad, Hitesh and Pintu were returning from the bank after depositing the consideration received on account of sale of a four wheeler by the deceased and all of them were travelling on motor-cycles. While transiting, the accused who were in a four wheeler had twice dashed the motor-cycle from the back side using the four wheeler, due to which the deceased and the other persons travelling with him fell down, in pursuance to which the applicant as well as the other co-accused got down from the car and assaulted the deceased. The eye witnesses Sharad, Hitesh and Pintu directly attribute blows by knife to the deceased by the present applicant. The wife, sister-in-law of the deceased and the driver of the

vehicle in which they were travelling, merely happened to reach there while on their return journey from the Hospital and seeing a commotion on the road, saw the scuffle and assault which was in progress. It is thus apparent that the appearance on the spot by the aforesaid persons was only by chance and therefore merely because there is no mention in their statement regarding any action attributable to the applicant, the statements of the eye witnesses namely Sharad, Hitesh and Pintu who were actually on the spot during the assault cannot be ignored. That apart, the incident clearly appears to be a premeditated one, considering the earlier enmity between the applicant as well as the co-accused and the deceased. The applicant also has a past history which is apparent from the statement placed on record by the learned APP, which indicates his involvement in as many as 7 offences, two of them serious, being offences under Sections 307 and 302 of IPC, considering which, the contention that the wife and child of the applicant are suffering from sickle cell anemia, the applicant needs the sympathetic consideration pales into insignificance.

In light of the position discussed above, I am not inclined to entertain the application, the same is accordingly dismissed.

JUDGE

rvjalit

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VASANTRAO JALIT
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Signing Date: 05.01.2022 17:06