

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

CRIMINAL APPLICATION (ABA) NO.727 OF 2022

(PAWSHIRAM KASHIRAM WAGHMODE & OTH...VS.. STATE OF MAH. THR. PSO PS PIMPALGAON
RAJA, DISTT. BULDHANA)

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

Court's or Judge's orders

Shri A.D.Bhate, Advocate for Applicants.
Shri S.D.Sirpurkar, A.P.P. for Non-applicant No.1/State.
Shri S.S.Morey, Advocate to Assist the Prosecution.

CORAM : ANIL S. KILOR, J.
DATED : DECEMBER 06, 2022.

1. Heard.
2. By this application under Section 438 of the Code of Criminal Procedure the applicants are seeking pre-arrest bail in Crime No.251 of 2022, registered with Police Station, Pimpalgaon Raja, District : Buldana for the offences punishable under Sections 302, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.
3. The prosecution case is that accused No.1-Deorao with an intention to kill the deceased father of the informant gave a blow on the chest of the deceased by brick and the other accused persons also assaulted the deceased.
4. After going through the case diary and the Post Mortem Report, it appears that no injury was found on the person of the deceased. Column No.17 of the Post Mortem Report records that no fresh or healed injury was seen over the body. The opinion about the cause of death

is reserved as the viscera is preserved and sent for chemical analysis. Thus, the Post Mortem Report does not support the case of the prosecution against the present applicant and in absence of any incriminating material against the applicant except the statements of the witnesses who are the close relatives of the deceased and further in absence of any independent witness to the incident, I am of the opinion that the applicants are entitled for grant of pre-arrest bail. Accordingly, I pass the following order:

- i) The application is **allowed**.
- ii) It is directed that, in the event of arrest of the applicants in connection with Crime No.251 of 2022, registered with Police Station, Pimpalgaon Raja, District : Buldana for the offences punishable under Sections 302, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 the applicants shall be released on bail on furnishing P.R. Bond in the sum of Rupees Twenty Five Thousand each with one solvent surety in the like amount for each of the applicants.
- ii) The applicants shall attend the concerned Police Station on first and sixteenth day of each month between 10:00 a.m. and 12:00 noon, till culmination of the trial.

iii) The applicants shall not enter the jurisdiction of village Tarodanath, Tahsil : Khamgaon, District : Buldana.

iii) The applicants shall not tamper with the prosecution witnesses.

The Criminal Application is **disposed of** accordingly.

JUDGE

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