

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

CRIMINAL APPLICATION (BA) NO.1406 OF 2022

(SHANKAR @ RAJESH SHEKHAR KORVAN....VS.. STATE OF MAH. THR. PSO PS BHADRAWATI,
DISTT. CHANDRAPUR)

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

Court's or Judge's orders

Shri A.T.Bhautik, Advocate for Applicant.
Shri V.A.Thakre, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : DECEMBER 21, 2022.

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.141 of 2022, registered with Police Station, Bhadrawati, District: Chandrapur for the offences punishable under Sections 302, 201, 120-B read with Section 34 of the Indian Penal Code.
3. In this case, the allegations against the applicant and the co-accused are that they have committed murder of the deceased and beheaded the deceased and thrown the head in Irai river near Datala, District : Chandrapur.
4. The learned counsel for the applicant submits that no role is attributed to him and there is nothing to point out that the applicant had any intention to kill the deceased. He therefore, submits that at the most Section 201 of the Indian Penal Code will attract against the applicant.

5. On the other hand, the learned A.P.P. strongly opposed the application and pointed out from the charge-sheet that the deceased was brutally murdered by the applicant and she beheaded the deceased. It is pointed out that all the time during commission of the offence, the applicant was with the co-accused, who is juvenile and therefore, Section 34 of the Indian Penal Code is applied in this case.

6. In the backdrop of the above submissions, I have perused the charge-sheet.

7. The offence is very serious and from the charge-sheet it can be seen that the deceased was brutally murdered and all the time during commission of the offence the applicant was with the co-accused and he helped the co-accused in commission of the said offence. Whether there was intention or no intention, in the above referred facts and circumstances, would be the matter of trial. However, at present, since Section 34 of the Indian Penal Code is applied and considering the CCTV footage and other material recovered by the prosecution, *prima facie* involvement of the applicant is apparent. In the circumstance, I am not inclined to grant bail.

Hence, the Criminal Application is **rejected**.

JUDGE