

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

CRIMINAL APPLICATION (BA) NO.42/2023

Avinash s/o Ashok Bhute. .vs. State of Maharashtra through Officer incharge, PS.
Gondia City, Tq. Dist. Gondia

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

Court's or Judge's orders

Mr. N. R. Bhishikar, Advocate for applicant.
Mr. I. Damle, A.P.P. for non applicant-State.

CORAM : **ANIL L. PANSARE, J.**
DATE : **FEBRUARY 27, 2023.**

Criminal Application (APPP) No.170/2023

The informant is seeking permission to assist the prosecution.

For the reasons stated in the application, the application is allowed.

The applicant is permitted to assist the prosecution.

The application is disposed of.

Criminal Application (BA) No.42/2023

This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant is arrested in crime No. 202/2022, registered with Police Station, Gondia City, for an offence punishable under Sections 302, 307, 341, 504, 506 of the Indian Penal Code.

2. Having heard both the sides and having gone through the material placed before me, there are as many as five eye witnesses to the incident. All the witnesses have stated that on 17.03.2022 at about 11.00 PM. when the eye witness Yash

Khandelwa and Devendra Sharnagat were talking to each other near Gajanan Medical Stores, on the eve of Holi festival, one Jitendra Pardhi (since deceased) was coming in his Fiesta car. The applicant intercepted the car and made Jitendra to alight from the car. The applicant asked as to why did he not pay donation for Holi festival. Thereafter, quarrel occurred. At that time, the applicant took the burning wooden log and hit Jitendra on his head 3-4 times. The applicant left the wooden log near drain and fled away.

3. Learned A.P.P. has rightly pointed out that there is ample evidence against the applicant. Five witnesses have seen the incident. The offence under question is serious. Learned counsel for the applicant submits that the applicant is in jail for almost one year. However, one cannot really ignore the fact that a precious life has been taken by the applicant for a petty reason.

4. In the circumstances, it will not be appropriate to release the applicant on bail at this stage. The applicant is at liberty to file application, once the material witnesses are examined in the trial.

5. With the above observations, the application is rejected.

(Anil L. Pansare, J.)

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