

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

CRIMINAL APPLICATION (BA) NO. 430/2023

SATISH PANDURANG MULE
VS
STATE OF MAH. THR. PSO, PS YASHODHARA NAGAR, TAHSIL AND
DIST. NAGPUR

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

Court's or Judge's Order

Mr S.R. Tiwari, advocate for the applicant.

Mr M.J. Khan, APP for the respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/06/2023.

1. Heard.
2. Present application is filed by the applicant for grant of bail under Section 439 of the Code of Criminal Procedure in connection with Crime No. 587/2022 registered with the Police Station, Yashodhara Nagar, District Nagpur for the offence punishable under Section 302 of the Indian Penal Code, 1860. The applicant is arrested on 28/09/2022.
3. The crime is registered on the basis of report lodged by the applicant himself, who informed the Police that on 28/09/2022, the applicant was consuming liquor near Ita Bhatti square, at that time one unknown person came there and abused him.

Therefore, he got annoyed and assaulted him by big stone hitting on his head and face. Due to the said assault, the said person succumbed to the death. On the basis of said report, the Police have registered the offence against the present applicant. During the investigation, the applicant has shown the place of spot of the incident, and thereafter the applicant is arrested.

4. It is the contention of the applicant that merely on suspicion, he is arrested and he is not concerned with the alleged offence. There is no director or circumstantial evidence to connect him with the alleged offence. Now, the investigation is completed and the charge sheet is filed, hence, he be released on bail. He will abide by all conditions imposed by this Court.

5. The said application is strongly opposed by the State on the ground that crime is registered on the basis of a report lodged by the present applicant. He has shown the place of incident as well as the place where the dead body was lying. During his investigation, his blood stains clothes were forwarded to the chemical analyzer. He has also made extra-judicial confession to the witness. Thus, prima-facie material is sufficient to connect him with alleged offence, if he released on bail,

he will tamper with the prosecution witness, and hence bail application deserves to be rejected.

6. Heard learned counsel for the applicant and submitted that the present applicant is arrested merely on suspicion, there is no iota of material to show his connection with the present crime. Moreover, the investigation is completed, and the material which is collected during the investigation shows that the applicant is arrested merely on suspicion. Now, the investigation is completed and the charge-sheet is filed, his further custody is not required, he is in jail since 28/09/2022. Hence, he be released on bail.

7. Learned APP reiterated the contention and submitted that sufficient material is on record to connect the present applicant with the alleged offence.

8. Heard both sides. Perused the investigation papers. The crime is registered on the basis of the report lodged by the applicant himself. After the incident he approached the Police and informed that he assaulted the deceased as he was abused by the deceased by hitting big stone on his face and head. During the investigation, Investigating Officer also recorded the statement of one Omprakash, which also shows the presence of the present applicant at the spot of the incident along with the deceased, the statement further

reveals that the present applicant made extra-judicial confession to him. During the investigation, blood-stained clothes of the accused are collected. The spot of the incident is also discovered at the instance of the present accused. Thus sufficient material is on record to connect the present applicant with the alleged offence.

9. After perusal of the FIR, it reveals that in all 16 injuries are sustained by the deceased and the death of the deceased due to loss of blood as injuries are sustained over vital parts of head and also on the face. The investigation is practically completed.

Considering the sufficient material against the present applicant to connect him with the alleged offence. Hence, the present application deserves to be **rejected**. Accordingly, I proceed to pass following order:

Criminal Application is **rejected**.

JUDGE