



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

CRIMINAL APPLICATION (BA) NO.851 OF 2023

Pravin Ashok Hirudkar Vs. State of Maharashtra

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

Court's or Judge's orders.

Shri S.M. Nafde, Advocate for applicant.
Shri A.M. Kadukar, APP for non-applicant/State.

CORAM : M.W. CHANDWANI, J.

DATE : OCTOBER 12, 2023.

The applicant is seeking bail in connection with Crime No.129/2023 registered with Police Station, Narkhed, District Nagpur for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

2. Heard learned counsel for the applicant as well as learned APP for the State. I have perused the charge-sheet.

3. Perusal of charge-sheet shows that after locating a corpse of one Shubham Khode initially an accidental death came to be registered. During investigation, the involvement of the present applicant in the crime was revealed. The allegation of the prosecution is that the applicant was having illicit relationship with the mother of the deceased. The deceased was upset on this count. The deceased used to quarrel with her mother on the very same ground. On the day of incident also, the deceased had beaten his mother. The presence of applicant triggered deceased, who finally

told his mother not to reside with him if she did not stop her relationship with the applicant. Therefore, to remove his obstacle the applicant has committed murder of deceased.

4. Perusal of charge-sheet further transpires that there is no direct evidence. The prosecution is relying on the circumstantial evidence such as motive last seen, and recovery of scarf. It is alleged that the applicant committed murder of deceased by strangulating him with scarf. It appears that there are two witnesses on the point of last seen namely; Rupesh Suryawanshi and Aaysh Babhulkar. Aayush stated in his statement that the applicant and deceased were eating ice-cream on 12.04.2023. It appears that there contradiction in the statements of these witnesses regarding timing. Whether this will attract the prosecution is a matter of trial. The charge-sheet has already been filed. The applicant is behind bars for last six months. There is likelihood that the applicant will flee away from justice. Considering the nature of incriminating material against the applicant, a case is made out exercising discretion in favour of the applicant. Hence, the following order is passed:

ORDER

- i. The application is allowed.
- ii. The applicant - Pravin Ashok Hirudkar, shall be released on bail in connection with Crime No.129/2023 registered with Police Station, Narkhed, District Nagpur for the offences punishable under Sections 302 and 201 of the

Indian Penal Code, on furnishing PR bond in the sum of Rs.30,000/- with one solvent surety in the like amount.

iii. The applicant shall not induce, threaten, or promise any witness, who are connected with the alleged crime.

iv. The applicant shall not enter into the village Ambola, Taluka Narkhed, District Nagpur, till conclusion of trial.

v. The observations made in this order are prima facie. The trial Court shall not get influenced by the observations made in this order.

The application is disposed of.

JUDGE

Wagh