



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

CRIMINAL APPLICATION (BA) NO.892 OF 2023

Kiran Nandkishore Dhurve Vs. State of Maharashtra, through PSO,
Dattapur, Dist. Amravati

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

Court's or Judge's orders.

Shri P.V. Navlani, Advocate for applicant.
Mrs. M.A. Barabde, APP for non-applicant/State.

CORAM : M.W. CHANDWANI, J.

DATE : OCTOBER 05, 2023.

The applicant is seeking bail in connection with Crime No.221/2023 registered with Police Station, Dattapur, District Amravati for the offence punishable under Section 302 of the Indian Penal Code.

2. Heard learned counsel for the applicant as well as learned APP for the non-applicant/State. I have gone through the charge-sheet.

3. The charge-sheet transpires that the applicant is arrested on the charge of killing his elder brother. The incident took place on 02.04.2023 at about 10 pm. The deceased came to the house under the influence of liquor and started abusing his parents. The applicant intervened and tried to pacify him and asked him to leave the house. While leaving, the deceased again abused all of them therefore the applicant went behind him with a crow-bar

(*sabba*) and unleashed blow on his right leg. Thereafter, the applicant unleashed blow on the head. The deceased died on the spot.

4. It is contended on behalf of the learned counsel for the applicant that the applicant was a drunker, who used to abuse his parents and brother. Even his wife and children had left him. The deceased used to come to his house every fortnight under the influence of liquor and used to abuse it. It is submitted that apart from the extra-judicial confession there is no material against the applicant. According to him, the applicant is a hard worker and even he had tried to settle the life of the deceased but in vain. According to him, the investigation is over and charge-sheet is filed.

5. *Per contra*, learned APP for the State strongly objected to the bail on the ground that there is material against the applicant. There is, *prima facie*, evidence against the applicant. There are four injuries on the person of the deceased, which were due to blow given by the applicant. Therefore, the application be rejected.

6. Perusal of statements of the mother and father of the deceased shows that the deceased was a drunker, who used to come in the house under the influence of liquor and used to abuse them and used to demand money for drinking liquor. The record shows that even his wife and children had abandoned him due to his habit of drinking liquor and

abuse. The applicant, who used to earn his bread and butter for himself and for his parents, allegedly killed his brother in the unfortunate incident. He has no criminal antecedents. Considering the circumstances in which the alleged incident occurred and the conduct of the deceased, I think discretion can be exercised in favour of the applicant with certain conditions. Accordingly, I proceed to pass the following order:

ORDER

- i. The application is allowed.
- ii. The applicant - Kiran Nandkishore Dhurve, shall be released on bail in connection with Crime No.221/2023 registered with Police Station, Dattapur, District Amravati for the offence punishable under Section 302 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 threaten the prosecution witness or tamper with the prosecution evidence.

The application is disposed of.

JUDGE

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