



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

Criminal Application [BA] No.902 of 2023

Gangadhar Bapurao Chunarkar

vs.

*The State of Maharashtra, through P.S.O., Police Station Bhadrawati,
Dist. Chandrapur*

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. V.R. Borkar, Advocate for the Applicant.

Mr. A.M. Kadukar, A.P.P. for the Non-Applicant/State.

CORAM : M.W. CHANDWANI, J.
DATE : 13th OCTOBER, 2023.

By the present application, the applicant seeks bail in connection with Crime No.51/2022, registered with Police Station Bhadrawati, District Chandrapur, for the offences punishable under Sections 307, 302 and 201 of the Indian Penal Code.

02] Heard the learned Counsel for the applicant as well as the learned Additional Public Prosecutor for the State.

03] Having gone through the charge-sheet, it transpires that the deceased is the husband of the sister of the applicant. The deceased used to harass the informant asking her to demand her share of Rs.2.00 lakhs in the compensation received by her brothers. He used to beat her on that count. On 03/02/2023, deceased beat the informant by fist and kick blows and ousted her from house. Therefore, she took shelter in the house of the applicant. On 04/02/2023 at about 09:15 a.m., quarrel took place between the deceased and one Dilip Sao, the neighbourer of the applicant. While intervening the quarrel, the deceased abused the applicant in filthy language even by taking the name of his wife i.e. the sister of the

applicant. So, the applicant unleashed blows with iron pipe on the head, legs and hands of the deceased. The deceased fell down on earth. He was then taken to the hospital by the applicant himself. The deceased succumbed to the injuries in the hospital.

04] It is the contention of the learned Counsel for the applicant is that initially the quarrel was not with the applicant, but when he intervened, the deceased started abusing in very filthy language by taking the name of his wife i.e. the sister of the applicant. Therefore, under the sudden provoke, the applicant could not control and gave iron blows on the person of the deceased. The applicant was not having any premeditation. The applicant is behind the bars since last more than eight months. Therefore, he prays for releasing the applicant on bail.

05] *Per contra*, the learned A.P.P. submits that there is sufficient material available, which goes to show that the applicant is involved in the crime and he assaulted his own brother-in-law. There are eye-witnesses. Even the wife of the deceased has herself lodged the report against the applicant. Hence, he sought rejection of the bail application.

06] Perusal of the charge-sheet, particularly the statement of Dilip Sao, with whom the deceased had quarrelled, shows that the deceased was under the influence of liquor and started quarrelling with this witness. Even, the deceased slapped this witness. The applicant came there and convinced this witness not to fight with the deceased because he is his brother-in-law and also asked this witness to go away from that place. Thereafter the deceased started quarrelling with the applicant and abused in filthy language by taking name of his wife i.e. sister of the applicant. The said filthy abuses are

described in the statement of this witness. Therefore, it appears that initial quarrel was not with this applicant, but on the abuses given in filthy language to the present applicant, the applicant got annoyed and assaulted the deceased. These circumstances show that there was no premeditation of the applicant to commit murder of the deceased. The applicant is behind the bars since last more than eight months. Charge-sheet has already been filed and all evidence has already been collected.

07] In view of the nature of allegations against the applicant, a case is made out for exercising the discretion in favour of the applicant. Hence, the following order :

ORDER

- I. Applicant – Gangadhar s/o Bapurao Chunarkar shall be released on bail in connection with Crime No.51/2023, registered with Police Station Bhadrawati, District Chandrapur on his furnishing a P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two solvent sureties in the like amount, before the trial Court.
- II. The applicant shall regularly attend the trial Court on each and every date, except under extreme circumstances to the satisfaction of the trial Court.
- III. The applicant shall not threaten the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
- IV. The application is allowed and disposed of accordingly.

JUDGE

**sandesh*