

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3209 OF 2024
IN
CRIMINAL APPEAL NO.929 OF 2015
WITH
INTERIM APPLICATION NO.2990 OF 2024
IN
CRIMINAL APPEAL NO.929 OF 2015

Bhauji @ Bhavsingh Tulshiram Barde .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr.Machindra Patil for the Applicant.
Dr.Ashvini A Takalkar, APP for the State.

CORAM: NITIN W. SAMBRE, &
MANJUSHA DESHPANDE, JJ.
DATED : 27th SEPTEMBER, 2024

P.C:-

Interim Application No.3209 of 2024

1 Heard.

2 The applicant/accused was convicted by the learned Sessions Judge, Nashik for an offence punishable under Section 302 of IPC, vide order and judgment dated 21/08/2015.

3 PW-9 Ramesh Namdeo Jagtap, was informed by PW-4 Pandav Bandu Bahiram, about murder of his father Namdeo Jagtap by the present appellant/accused.

4 After the FIR (Exhibit 33) was registered, Crime No. I-6 of 2024 came to be registered.

5 The Postmortem report (Exhibit 14) depicts cause of death to be head injury.

6 We have appreciated the medical evidence in the matter. PW-6, Dr. Jagdish Chaudhari has deposed about the single head injury, which is said to be the cause of death.

7 The motive attributed to the applicant is that of humiliation of his wife by the accused, she having married the applicant belonging to different community.

8 The provocation perhaps has resulted in causing single blow on the head of the deceased, which has resulted into his death.

9 The applicant has already suffered incarceration for more than 10 years, as he was convicted on 21/08/2015, by the learned Sessions Judge, Nashik, in Sessions case No.294 of 2014.

10 In this background, since the appeal is not likely to be heard in recent future, we deem it appropriate to allow the application, thereby admitting the applicant to bail on furnishing P.R. bond of Rs. 15,000, with one or more surety in the like amount.

11 The applicant shall not enter the village till the Appeal is finally heard and shall not contact the family members of the deceased.

Interim Application No. 2990 of 2024

In view of disposal of IA No.929 of 2015, IA No.2990 of 2024, do not survive and accordingly stands disposed off.

(MANJUSHA DESHPANDE,J)

(NITIN W. SAMBRE,J)