



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

CRIMINAL APPLICATION (BA) NO.603 OF 2024

Chandrakumar @ Bandu s/o Ganpat Tumde

..VS..

State of Maharashtra, through PSO PS Tirora, Gondia

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

Court's or Judge's Order

Shri S.D.Sahoo, Counsel for the Applicant.

Mrs.D.Charlewar, Additional Public Prosecutor for the State.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 30/08/2024

1. This is an application for grant of regular bail in connection with Crime No.324/2023 registered with the non-applicant/police station for offences punishable under Sections 302 and 307 read with 34 of the Indian Penal Code.

2. The applicant came to be arrested on 19.5.2023 and since then he is in jail.

3. The crime is registered on the basis of a report lodged by one Sishupal Harichand Sharnagat alleging that on 18.5.2023, the informant had been to the house of Gurudas Manikchand Rahangdale (the deceased), who is brother-in-law of the informant, at Bhuratola, taluka Tirora, district Gondia. At about 9:00 to 9:30 pm, the deceased left

the house to bring Tobacco from a Pan Stall. At that time, the informant heard a noise of the deceased and, therefore, he immediately approached the deceased and witnessed that the applicant was giving blows of knife on the deceased. Due to the said blows, the deceased sustained grievous injuries and, therefore, he was rushed to a hospital whereat during treatment, he succumbed to injuries. On the basis of the said report, the police registered the crime against the applicant.

4. Learned counsel Shri S.D.Sahoo for the applicant, submitted that initially two sons of the applicant are also prosecuted, but, subsequently, they were discharged. The entire case of the prosecution is on the baseless footings. As far as involvement of the applicant is concerned, the same is also doubtful. Now, investigation is completed and chargesheet is filed. He submitted that injuries sustained by the deceased and weapon used are also not corroborated. In view of that, the application deserves to be allowed by considering nature of the evidence collected by the investigating officer during investigation.

5. Learned Additional Public Prosecutor

Mrs.D.Charlewar for the State strongly opposed the application and submitted that due to previous enmity, the deceased was eliminated by the applicant by giving blows on the vital part of the body. The deceased was immediately taken to hospital, but while taking treatment, he succumbed to injuries. The injuries sustained by the deceased are on the vital part of the body that is chest and abdomen. The death of the deceased is also caused due to stab injury on the abdomen. The blood stained weapon and clothes are also recovered at the instance of the applicant. Thus, there is a *prima facie* material against the applicant to show his involvement in the alleged incident.

6. After hearing learned counsel for the applicant and learned Additional Public Prosecutor for the State and perused investigation papers, it reveals that due to previous enmity, the deceased was assaulted by the applicant and that is also by giving blows on the vital part of the body. Involvement of the applicant is revealed from statements of eyewitnesses as well as circumstantial evidence in the nature of medical evidence. The blood stained clothes and weapon are recovered at the instance of the applicant. Though investigation is completed and chargesheet is filed,

considering injuries sustained by the deceased and the nature of offence is grievous one, the application deserves to be rejected and the same is **rejected**.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!