



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

CRIMINAL APPLICATION (BA) NO. 1129 OF 2023

Prem s/o Lalatprasad Pandey

Vs.

State of Maharashtra, Through Police Station Officer Police Station Civil Lines Akola,
District Akola

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

Court's or Judge's orders

Mr. S. S. Dhengale, Advocate for applicant.
Mr. A. G. Mate, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/01/2024

1. By this application, the applicant is seeking bail in connection with Crime No.72/2021 registered with Police Station Civil Lines, Akola, District Akola for the offences punishable under Sections 120-B, 302, 323, 324 read with Section 34 of the Indian Penal Code. The applicant is arrested on 18.02.2021 and since then he is behind bar.

2. The accusation against the present applicant is on the basis of report lodged by the mother of the deceased Padma Sunil Shinde who alleged that on 18.02.2021, she received a phone call of one Nikhil @ Garam Gajanan Gharde who informed her that some boys have assaulted her son Gopal and also informed that a boy by name Prem i.e. present applicant gave a blow of knife on his back and he sustained the injuries. She immediately rushed to the spot of incident and witnessed

her son, who has sustained bleeding injury, the knife was stuck up in his waist and there was injury towards the left eye of the deceased. On the basis of said information, she has lodged report against the present applicant and other co-accused.

3. It is submitted by the learned Counsel for the applicant that there is variance in the statements of the witnesses. The informant has stated that present applicant has given a blow on the back of the deceased, whereas the eye witness states that present applicant has given a blow on the abdomen of the deceased. He further submitted that there are criminal antecedents against the deceased and the alleged incident has occurred due to the previous enmity. Now, investigation is completed and charge-sheet is filed. The applicant is behind bar since 18.02.2021 and there is no progress in the trial. In view of that, applicant be released on bail.

4. Said application is strongly opposed by the State on the ground that there is a *prima facie* material against the present applicant. The statement of the witnesses and medical evidence shows that death of the deceased due to the blow of knife by the present applicant. The vital role is attributed to the present applicant. If applicant is released on bail, he will tamper the prosecution evidence. In view of that, application deserves to be rejected.

5. Having heard learned Counsel for the applicant and learned APP for the State and perused the

investigation papers. Admittedly, the first information is lodged by the mother of the deceased on the basis of information given to her by Nikhil @ Garam Gajanan Gharde who is the eye witness of the said incident. During investigation, the statements of various witnesses who have witnessed the incident are recorded which shows the involvement of the present applicant in the alleged incident. The postmortem report also shows that deceased has sustained the injuries in the nature of stab injuries and other multiple injuries. The death of the deceased is caused due to the haemorrhage and shock due to multiple injuries. The death of the deceased is caused due to the assault at the hands of the present applicant. Considering the *prima facie* material against the present applicant and the nature in which the alleged incident has occurred, the injuries sustained by the deceased, the application deserves to be rejected. Accordingly, I pass the following order.

ORDER

- (i) The application is rejected.
- (ii) The learned trial Court shall expedite the trial and shall make every endeavour to dispose of the trial as early as possible.

(URMILA JOSHI-PHALKE, J.)