



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

Criminal Application (BA) No. 1180 of 2023

Baban Chandrabhan Tajane

Versus

State of Maharashtra, through Police Station Officer, Police Station
Wadner, Tq. Hinganghat, Dist. Wardha

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.M.Chandekar, Advocate for the applicant.
Shri B.M.Lonare, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.
DATED : 25th JANUARY, 2024.

This is a successive application after withdrawal of the first bail application with liberty to move a fresh application in case there will be no substantive progress in the trial in near future.

2. I have heard learned counsel for the applicant and learned Additional Public Prosecutor for the non-applicant/State.

3. Shri Chandekar, learned counsel for the applicant submits that the alleged incident took place on 14th March, 2022 whereas, the deceased died on 10th May, 2022 i.e. after about two months. It is pointed out

that the documents filed alongwith chargesheet show that in the meantime the deceased was discharged from Kasturba Hospital, Sewagram on 27th April, 2022 i.e. much prior to the death of the deceased. He submits that the injuries mentioned in the Postmortem report in the column 17, if compared with the injury certificate issued by the Rural Hospital immediately after the incident, both do not match. He points out that, in the injury certificate issued by the Rural Hospital only one injury is shown. Whereas, in the Postmortem report there are multiple injuries are shown.

4. It is further submitted that as per the complainant accused was wearing scarf on face at the time of incident and there are no witnesses to identify the accused except the two who have stated in their statement that while running from the spot of incident the accused removed the scarf and they could identify the accused.

5. *Prima facie* there are discrepancies in the Postmortem report and in the discharge summary of Kasturba Hospital as well as injury shown in the initial report of the Rural Hospital.

6. In the above referred backdrop, it is necessary to note here that there is no progress in the

trial and till date charge is not yet framed. The applicant is in jail from last about two years.

7. In the circumstances and in the above referred facts, I am of the opinion that the applicant is entitled for grant of bail. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that the applicants shall be released on bail in Crime No. 88 of 2022 registered with Police Station Wadner, Tq. Hinganghat, District Wardha for the offence punishable under Sections 302, 326, 324 and 504 of Indian Penal Code, on furnishing P.R.Bond of Rs.25,000/- with a solvent surety in the like amount;
- iii. The applicant shall not enter the territorial jurisdiction of Wadner, Tal. Hinganghat, Dist. Wardha till culmination of the trial except for the trial;
- iv. The applicant shall provide his address and name of the nearest Police Station which he shall attend on every first and sixteenth day of every month between 10:00 a.m. and 11:00 a.m., till culmination of the trial;
- v. The applicant shall not tamper with the prosecution evidence;

vi. The State is at liberty to move for cancellation of bail if any default on the part of the applicant;

vii. The applicant shall attend the trial on each and every date before the Sessions Court, Hinganghat, Dist. Wardha unless exemption is granted by the Sessions Court, Hinganghat, Dist. Wardha.

[ANIL S. KILOR, J.]