



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

CRIMINAL APPLICATION (BA) NO.799 OF 2024
(Dinesh s/o Ashokrao Yendale Vs. The State of Maharashtra)

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

Court's or Judge's Order

Mr. R.R. Vyas, Advocate for the applicant.
Ms K. Bhondge, A.PP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- OCTOBER 14, 2024

By this application, the applicant is seeking bail as he was arrested on 29/05/2023 in connection with Crime No.616/2023 registered at police station Wardha, District Wardha for the offence punishable under Sections 302, 341 read with Section 34 of the Indian Penal Code and Sections 4/25 of the Arms Act, 1959.

2. The crime is registered on the basis of report lodged by Smita Rahul Virulkar who is the wife of the deceased on an allegation that on 26/05/2023, her husband Rahul had gone out of the house at 11.30 PM for celebrating the birthday of his friend. On 27/05/2023 at about 3.00 AM the informant received a phone call from her husband's friend who asked her to come at Sewargram Hospital at Wardha. When informant reached the hospital she found that her husband is dead. On seeing him she noticed multiple injuries on the person of the deceased husband and she got the information that in the

intervening night of 26/05/2023 and 27/05/2023 the deceased was celebrating birthday party. At that time, the present applicant came at the spot and there was some dispute between them and on that the applicant slapped the deceased though dispute was intervened by the others, but the applicant could not control his anger and gave a blow on the person of the deceased by means of sword and the deceased succumbed to the death. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that the application is not filed for grant of bail on merits but the application is on the ground that the applicant has to meet his nephew and niece who are kept in the Ashram Shala at Nasik and he has to meet them and also to make an arrangement for their academic session. The new academic sessions has commenced from the year 2024 - 2025. There is no one except the present applicant to take care of the children and to be their legal guardian, and therefore, he be released on bail for a limited period.

4. Learned APP strongly opposed the application and pointed out that to make an arrangement, guardian is already appointed who is the Manager of the present applicant who is looking to the financial arrangements of the present applicant. In view of that, no ground is made out for grant of bail and hence, bail application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the record from which it reveals that the applicant is looking after his nephew and niece. The divorce petition filed by the wife of the present applicant also shows that the applicant is looking after his both children. As far as the ground raised by the applicant is concerned that he has to make an arrangement for the academic year of the children as well as to make arrangement for their fees is concerned, he has already appointed his Manager as a guardian of the children who is looking after these all aspects. While considering this application, the merits of the matter if considered, it reveals that by preparing himself the applicant has committed the murder of the deceased and there was an instantaneous death of the deceased. Thus, considering the circumstances under which the crime is committed and there is already an alternative arrangement as far as the children are concerned, it is not a fit case wherein the discretion can be used. In view of that, the application deserves to be rejected.

6. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)