



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

CRIMINAL APPLICATION (BA) NO.186 OF 2025

(Parmeshwar s/o Vishnu Wayal Vs. The State of Maharashtra thr. PSO PS Kingaon
Raja, Dist. Buldhana)

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

Court's or Judge's orders.

Mr. R. M. Daga, Advocate for Applicant.
Ms. Sneha Dhote, APP for Non-Applciant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 28th MARCH, 2025.

1. The applicant came to be arrested on 01.02.2024 in connection with Crime No.26/2024 registered with Police Station Kingaon Raja, District Buldhana for the offences punishable under Sections 302, 307, 323, 504 and 506 read with Section 34 of the Indian Penal Code.

2. The allegation against the present applicant is that the deceased who has not attended the work at his place i.e. on JCB due to which there was altercation of words and the present applicant has forceful blow by wooden log on his head and during the treatment he succumbed to the death. On the basis of the said report police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant who submitted that there was severe fight and quarrel between the present applicant and the deceased. The weapon was

lying there which was picked up by the present applicant and during the altercation of words only single blow on the deceased. Thus, the case does not cover under the culpable homicide amounting to murder but it covers under the culpable homicide not amounting to murder. Now, investigation is already completed charge-sheet is already filed this Court while deciding the earlier bail application granted liberty to the present applicant to approach to this Court after nine months. Accordingly, this application is filed. He also invited my attention towards various statement of the witnesses, postmortem report and submitted that there was neither intention and nor premeditation therefore, the offence will not cover under Section 306 of IPC. Considering, now the investigation is completed and trial is also not commenced. The applicant be released on bail.

4. In support of his contention he places reliance on the decision of *Shaikh Matin v. State of Maharashtra and another (2020) 20 SCC 402, Criminal Application (BA) No.399/2024 decided on 07.05.2024* and *Avinash Ashok Torane v. The State of Maharashtra in Bail Application No.3553/2023*.

5. Learned APP strongly opposed the said application and submitted that the applicant has carried the wooden log from his house and gave a forceful blow on the head of the deceased. The deceased sustained the grievous injuries as well as the internal injuries and thereafter succumbed to death. Whether it is a culpable homicide

amounting to murder or not amounting to murder is a matter of record. At this stage, *prima facie* case is made out against the present applicant. In view of that, the present application deserves to be rejected.

6. After hearing both the sides and on perusal of the investigation papers it reveals that the deceased was working as a Driver on the JCB of the present applicant. On 31.01.2024 when the informant was proceeding to handover the keys at that time he heard the noise of a quarrel therefore, rushed towards the spot of incident and witnessed that the present applicant has draft the wooden log which was lying in front of his house and during altercation of the words gave a blow on the head of the deceased due to which deceased sustained the grievous injuries. The statements of the other witnesses also disclosed that the applicant has carried the said wooden log from his house and gave a blow on the head of the deceased. As far as the spot *panchanama* is concerned which shows that the said spot situated in the square on the road towards the bus stand in the village. I have also perused the postmortem report which shows that the deceased has sustained six injuries out of which injury no.1 is grievous in nature the internal injuries shows that he has sustained under scalp haemorrhage present over left fronto-parieto-temporal region and right parieto-temporal region, dark red. Comminuted undisplaced fracture present over left frontal and parietal with fracture line passing over right posterior parietal bone with coronal sutural fracture extending over

right temporal bone, fracture margins reddish. The Medical Officer while conducting the postmortem examination also observed extra dural haematoma present over right temporal region and left temporo-parietal region. Subdural haematoma present over right and left frontal-parietal-temporal lobes of size 12 cm x 1.5 cm reddish. The cause of death is head injury. Admittedly, there would not be a direct evidence as far as the intention of the person is concerned intention can be gathered from the surrounding circumstances as intention is the internal, compartment of the mind of that person. Thus, from the circumstances that the weapon used the part of the body chooses the injury sustained by the injured deceased sufficiently shows that the intention of the present applicant. At this stage, material evidence on record sufficiently shows the involvement of the present applicant in the alleged incident. Considering the *prima facie* material against the present applicant. The application deserves to be rejected. Accordingly, I proceed to pass following order:

The application is rejected.

(URMILA JOSHI-PHALKE, J.)