



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

CRIMINAL APPLICATION (BA) NO. 202 OF 2025

Akash @ Ganesh s/o Trayambak Jirvankar Vs 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. D.R. Rupnarayan, counsel with Mr. S.D. Tatake, counsel for applicant.

Ms. M.A.Barbde, APP for non-applicant/State.

Mr. Raju Kadu, counsel for Assist to Prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 15/04/2025.

CRIMINAL APPLICATION (APPP) NO. 722 OF 2025

1. By this application, the objector seeks permission to engage the counsel to Assist the Prosecution.
2. In view of the reasons mentioned in the application, permission is granted to engage the counsel to Assist the Prosecution.
3. The criminal application is disposed of.

CRIMINAL APPLICATION (BA) NO. 202 OF 2025

1. This is an application for grant of bail in connection with Crime No.313/2023 registered with Police Station Washim, District Washim for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860. The applicant came to be arrested on 09/05/2023.

2. The crime is registered on the basis of a report lodged by Arun Vasantrao Kothekar, on an allegation that on 08/05/2023, his son was with him in his shop till 11 a.m., and thereafter, at about 5.30 to 6.00 p.m., one of his friend of his son Shankar Shejul, informed him that there were some disputes between the present applicant and the deceased and asked him to immediately come to the spot of the incident. Thereafter, along with him, he went to Panchasheel Nagar, near Motiram Baba Temple, where he found his son lying in a pool of blood. On getting information, he came to know that there was a dispute between the applicant and the deceased on account of money, and the deceased was demanding the money back, and therefore, the present applicant has given a blow of a sickle on his head, due to which he sustained the injuries and succumbed to 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 due to the previous dispute, the present applicant is implicated in the alleged offence. As far as the evidence is concerned, inconsistent statements are there, and there is no direct evidence against the present applicant. Moreover, the investigation is already completed, and charge-sheet is already filed, further incarceration of the present applicant is not required.

4. Learned APP and learned counsel for the complainant strongly opposed the same on the ground that there is direct evidence that connects the present applicant with the alleged offence. Considering the nature of the injuries, which is a vital part of the body, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that there was a dispute between the applicant and the deceased on account of money transactions. The eye-witnesses statement also shows that the present applicant was seen at the spot of incident, chasing the deceased, and thereafter the deceased was found dead. Considering his statement, the involvement of the present applicant is revealed in the alleged incident. The postmortem report shows that the deceased has sustained the cut-throat injury.

6. Considering the nature of the evidence, prima-facie case is made out against the present applicant. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass the following order.

The criminal application is rejected.

[URMILA JOSHI-PHALKE, J.]