



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

CRIMINAL APPLICATION (BA) NO. 263 OF 2025

Akaram Vyankat Sonone 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. Shyam R. Jaiswal, counsel (appointed) for applicant.

Mrs. Sneha Dhote, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/06/2025.

1. The applicant came to be arrested on 01/11/2023 in connection with Crime No. 343/2023 registered with Police Station Dhanaj Bk., Tq. Karanja, District Washim for the offence punishable under Section 302 of the Indian Penal Code, 1860.

2. The application is filed by the applicant under the Scheme of Special Campaign for Old Prisoners and Terminally Class III Prisoners.

3. The applicant appears to be 72 years old. As per the said scheme, assistance to older prisoners in accessing legal counsel and legal and paralegal aid services from the outset of their detention and to provide additional support to the older prisoners with mental or physical disabilities, as required, to ensure that they are not discriminated against in their access to justice and treatment in criminal justice. The scheme further shows that the release of such types of prisoners on compassionate grounds, i.e., older prisoners who are in need of constant specialist nursing care and who

do not pose a risk to the society, transferring them to an appropriate institution in the community.

4. Heard learned counsel for the applicant. The applicant is the father of the deceased. As per the allegation, the deceased was under the influence of liquor, and there was a quarrel between father and son, and in that quarrel, the present applicant has given a blow of iron rod on his head, due to which he sustained a bleeding injury and succumbed to death. On the basis of the said report, police have registered the crime against the present applicant.

5. The application is filed mainly on the ground that since the date of arrest, there is no substantial progress in the trial, and the trial is held up. Moreover, there is no direct evidence against the present applicant, which connects him with the alleged offence. There is a possibility of sustaining the injury accidentally due to fall, in view of that, the application deserves to be allowed by imposing certain conditions of the present applicant.

6. Learned APP strongly opposed the said application and submitted that, considering the statements of the witnesses, which are recorded during the investigation, it reveals that the present applicant, who is the father of the deceased, assaulted him by means of an iron rod, due to which he sustained the grievous injuries. Now the trial has already progressed, seven witnesses have already been examined, and the trial can be concluded at any point of time. In view of that, the application deserves to be rejected.

7. After hearing both sides and perusal of the investigation papers, it reveals that due to the dispute between the father and son, the alleged incident has taken place. There is substantial progress in the trial, as seven witnesses are already examined.

8. Thus, considering the scheme, which is applicable to the older prisoners who are in need of constant specialist nursing care, which is not available in the present case, as the application nowhere states that the applicant is suffering from any ailment, and he is in need of constant care and nursing, which is required to him constantly, and therefore, the benefit of the said scheme is not available to the present applicant.

9. Moreover, the gravity of the offence and the witnesses are from the same village, and the trial has already progressed, at this stage, no case is made out for grant of bail. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass the following order.

- a] The application is **rejected**.
- b] The fees of the appointed counsel be quantified as per Rule.
- c] The trial court shall proceed with the trial and shall conclude it expeditiously.

[URMILA JOSHI-PHALKE, J.]