



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

CRIMINAL APPLICATION (BA) NO.320 OF 2025

(Manoj s/o Suresh Kannake Vs. The State of Maharashtra thr. PSO Police Station
Ballarsha, Dist. Chandrapur)

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

Court's or Judge's orders.

Mr. Mahesh Rai, Advocate for Applicant.
Mr. V. A. Thakare, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 21st APRIL, 2025.

1. Heard.
2. The applicant came to be arrested on 06.09.2021 in connection with Crime No.984/2021 registered with Police Station Ballarsha, District Chandrapur for the offences punishable under Sections 302 and 504 of the Indian Penal Code.
3. The crime is registered on the basis of the report lodged by Arun Nagoba Buchhe, who is a Police Patil on an allegation that the present applicant was residing along with his mother and prior to two years his marriage was performed with the deceased. On the day of incident, he came home under the influence of liquor and initially assaulted his mother and thereafter gave a blow of an axe on the head of the deceased due to which he sustained the injury and subsequently succumbed to the death. On the

basis of the said report police have registered the crime against the present applicant.

4. Heard learned counsel for the applicant, who submitted that the applicant was under the influence of liquor and due to the quarrel between complainant wife the alleged incident has taken place. As far as intention is concerned the nature of the injury shows that there was no intention to cause death. Considering that the investigation is already completed and the charge-sheet is filed, he be released on bail.

5. Learned APP strongly opposed the said application and invited my attention towards the statement of mother of the present applicant who disclose that initially the present applicant assaulted on her hands and thereafter again he has assaulted his wife due to which she sustained the head injury and succumbed to the death. He submitted that considering the statement of the mother of the present applicant. The involvement of the present applicant reveals. In view of that, the application deserves to be rejected.

6. After hearing both the sides and on perusal of the investigation papers it reveals that the statement of the sole eye witness i.e. the mother of the present applicant that the present applicant came home under the influence of liquor and assaulted by means of axe due to which she fallen from bed and sustained the grievous injuries. The cause of death to the deceased is due to head injury, multiple contusions

are seen while conducting her postmortem. Thus, internal head injury caused to the deceased resulted into her death. Considering the statement of the sole eye witness the *prima facie* case is made out against the present applicant. At this stage, the application deserves to be rejected. Accordingly, I proceed to pass following order:

O R D E R

The application deserves to be rejected.

7. The applicant is arrested on 06.09.2021. The trial court shall expedite the trial at the earliest.

(URMILA JOSHI-PHALKE, J.)