



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

CRIMINAL APPLICATION (BA) NO.468 OF 2025

Pralhad s/o Pandurang Raypure

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Jalgaon Jamod, District Buldana

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

Court's or Judge's orders

Mr. S. S. Deshpande, Counsel for the applicant.

Ms. H. N. Prabhu, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 24/06/2025

1. The applicant came to be arrested on 14.03.2024 in connection with Crime No.151/2024 registered with Police Station Jalgaon Jamod, District Buldana for the offence punishable under Sections 302, 201 and 203 of the Indian Penal Code.

2. The crime is registered on the basis of the report lodged by the mother of the deceased on an allegation that there was a quarrel between the present applicant and the deceased who is his son and due to the said quarrel, the applicant has left the house and some unknown person has committed the murder of her son, when he was sleeping in his room. On the basis of the said report, police have registered the crime against the present applicant. During the investigation, the involvement of the present

applicant revealed from the statements of the witnesses therefore, he was arrested. From the person of the present applicant, his blood stained baniyan is seized by the investigating agency. The weapon of the offence is also recovered at the instance of the present applicant. The statement of the witnesses discloses that he was seen proceeding towards his house in the intervening night at about 1.00 a.m. On the basis of the entire investigation, he is arraigned as an accused.

3. Heard learned Counsel for the applicant, who submitted that there is no direct evidence to connect the present applicant with the alleged offence and no such incident has taken place to the extent that there was no alternative for the applicant, but to commit his murder. There was no allegation that the quarrel was of such a nature that the applicant could not control his anger and thereafter, he left the house and again come back and committed the murder of his son. Thus, except one or two circumstances, there is no material to connect the present applicant with the alleged offence. Now the investigation is already completed, charge-sheet is already filed and further incarceration of the present applicant is not required.

4. Learned APP strongly opposed the said application and invited my attention towards the seizure of the clothes of the present applicant, which

shows that there were several blood stains on the baniyan of the present applicant. The axe is also recovered at the instance of the present applicant. The statement of the witnesses shows that there was a small entrance to enter into the room of the deceased where the deceased was sleeping. Therefore, it is not necessary to enter from the main entrance. The another statement of the witness Ramesh Kashinath Girhe shows that he has seen the present applicant in the intervening night of 13.03.2024 to 14.03.2024 at about 1.00 a.m. proceeding towards the house. Thus, he submitted that there is sufficient material to connect the present applicant with the alleged offence. Considering the nature of the offence and the injury sustained by injured, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it reveals in all five chop wounds are seen on the person of the deceased. The death of the deceased is due to hemorrhagic shock. The statement of the witnesses as well as the recovery of the blood stained clothes and weapons at the instance of the present applicant shows his involvement in the said crime. Considering the above evidence, which is collected during the investigation, *prima facie* case is made out against the present applicant. In view of that, the application deserves to

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be rejected. Accordingly, I proceed to pass following order:

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)

Sarkate