



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

CRIMINAL APPLICATION (BA) NO.497 OF 2025

Rahul Sanjay Rathod

Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Umarkhed, District Yavatmal

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

Court's or Judge's orders

Mr. M. N. Ali, Counsel for the applicant.

Mr. C. A. Lokhande, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 13/06/2025

1. The applicant came to be arrested on 23.03.2023 in connection with Crime No.220/2023 registered with Police Station Umarkhed, District Yavatmal for the offence punishable under Section 302 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by the mother of the present applicant on an allegation that on 21.03.2023 deceased was resting at home at about 7.00 p.m., at that time present applicant came at home under the influence of liquor. There was a hot exchange of words between the deceased and the present applicant and the present applicant went inside the house and brought the knife and gave a blow of knife on his neck. Due to which, he sustained the injuries and

subsequently, 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 the alleged incident has taken place out of a sudden quarrel between the father and son. There was no intention to commit the murder. Now investigation is already completed, charge-sheet is already filed. The applicant is behind bar since last two years and trial is not yet commenced. In view of that, the application deserves to be allowed.

4. Learned APP strongly opposed the said application and submitted it is not that the weapon was lying at the spot of incident which was picked up by the present applicant and gave a blow, but he went inside the house brought the weapon and thereafter gave a blow on the vital part of the body, therefore, the offence is not coming under the lesser section i.e. the culpable homicide not amounting to murder. In fact, the intention of the present applicant reveals from the circumstances that he went inside the house, brought the knife and thereafter, gave a blow on the vital part of the body, which sufficiently shows his intention to commit the murder. In view of that, the application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers, it reveals that there are various grievances of the applicant against his father and on that count, there was a quarrel between both of them and during that quarrel, the applicant went inside the house, brought the knife and thereafter, gave a blow of knife on the vital part of the body. The alleged incident was witnessed by the informant. The postmortem report is also on record which shows that the stab injury was found on the neck of the deceased. The internal injuries are also noted by the Medical Officer which shows the force used by the present applicant. The cause of death is due to the hemorrhagic shock due to major neck vessels are cut with fractures of the neck bone. Thus, considering the observation of the Medical Officer which is sufficient to show the force used by the present applicant by giving the blow. Learned APP also pointed out that all witnesses are from the family of the present applicant, if the applicant is released on bail, he would tamper with the prosecution evidence. Considering all these aspects, the application deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)