



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

CRIMINAL APPLICATION (BA) NO. 1175 OF 2024

Shri Sudarshan s/o Wasudev Komthi

.Vs.

State of Maharashtra and another

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

Mr R.R. Gour, Advocate (appointed) for the applicant.

Mr U.R. Phasate, APP for State

CORAM : G.A. SANAP, J.

DATE : 23.01.2025

Heard.

2. By this application, the applicant has prayed for regular bail in Crime bearing No. 293 of 2022 registered at Lohara Police Station, District Yavatmal for the offence punishable under Section 302 of the Indian Penal Code.

3. Learned Advocate appointed by High Court Legal Services Sub Committee, Nagpur Submits that the accused had no intention to kill the deceased. The deceased was his father. The deceased was assaulted in heat of anger. The offence under Section 302 is not made out. Learned Advocate submits that the accused is ready to abide by the conditions that may be imposed by the Court.

4. Learned APP submits that there is eye witnesses to the incident. The accused under the influence of liquor assaulted the deceased with brick. The witnesses are the relatives of the accused. The possibility of tampering with the evidence cannot be ruled out.

5. After filing of the charge sheet in the year 2023 the case is now listed for framing the charge. There is substance in the submission of learned APP that the possibility of tampering with the prosecution evidence cannot be ruled out, in case the accused is released on bail. The witnesses are the family members of the accused and the deceased. The deceased succumbed to the injuries while taking treatment. The case before trial Court is now listed for framing charge. Learned APP submits that charge would be framed on the next date. Learned Advocate for the accused submits that if the Court is not inclined to grant him bail, learned Judge may be requested to dispose of the case expeditiously.

6. On going through the application and record, I am not inclined to grant bail to the accused. The possibility of tampering with the prosecution evidence or pressurizing the witnesses cannot be ruled out if the bail is

granted to the accused.

7. In view of the above, the application is rejected.
8. Learned Judge is requested to dispose of the case expeditiously.
9. The High Court Legal Services Sub-Committee, Nagpur shall pay the fees to the learned Advocate appointed to represent the appellant, as per rules.
10. The Criminal Application stands **disposed of** accordingly.

(G. A. SANAP, J.)