



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

CRIMINAL APPLICATION (BA) NO.9 OF 2025

Narsingh s/o Rameshsingh Bawari

Vs.

State of Maharashtra, through Police Station Officer, Police Station Morshi,
District Amravati

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

Court's or Judge's orders

Mr. C. R. Thakur, Counsel for the applicant.
Ms. T. H. Udeshi, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/04/2025

1. The applicant came to be arrested on 02.11.2023 in connection with Crime No.538/2023 registered with Police Station Morshi, District Amravati for the offence punishable under Section 302 and 323 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by the wife of the present applicant on an allegation that her marriage with the present was performed and they have begotten two daughters and one son. The present applicant is doing labour work and was addicted to bad vices like drinking liquor. There used to be a domestic quarrel between them. On the day of incident on 01.11.2023 the applicant came home under the influence of liquor and started quarreling with the informant and also

attempted to assault her. At that time the deceased intervened in the quarrel, but the applicant gave a blow of iron rod on the chest of the deceased due to which the deceased sustained the injuries and 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 it was a sudden quarrel where the deceased has sustained the injuries. There was no intention to commit her murder. Now the investigation is already completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed for the same on the ground that the nature of injury shows the intention of the present applicant. If he released on bail, the informant who is his wife, there is every likelihood of tampering of the witnesses. In view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it reveals that the informant is the eye witness of the said incident. During domestic violence, the deceased, who is the neighbour of the present applicant, intervened but the present applicant has not controlled himself and

gave a blow of the iron rod having pointed tip on the chest of the deceased, due to which, the deceased sustained the injury on his chest i.e. on the vital part of the body and the internal part i.e. left ventricular. Thus, from the nature of the injuries, the intention of the present applicant can be gathered. Though investigation is completed, considering there is likelihood of tampering of the witnesses and all the family members are the material witnesses, the application deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)