



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

CRIMINAL APPLICATION (BA) NO. 12 OF 2025

Ashish @ Pintu Chabilal Bisen Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P. M. Ukey, counsel for applicant.

Ms. M.A.Barbde, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01/04/2025.

1. The applicant came to be arrested on 12/01/2023 registered with Police Station Aamgaon, Gondia in connection with Crime No. 08/2023 for the offence punishable under Section 302 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of a report lodged by Ravindra Mohanlal Fulbande, father of the deceased. On an allegation that on 11/01/2023, while attending the funeral of his relatives, the applicant received a telephonic message from his niece during his return. She informed him of a quarrel between the deceased and the present applicant, during which the deceased was allegedly assaulted by the applicant. After coming home, he has seen the deceased lying in the house. On verifying him, it revealed that he is not talking therefore, he was taken to the hospital, wherein he was declared dead. On the basis of the said report, police have registered the crime against the present applicant. During

the investigation, the investigating officer recorded the statements of Laxmi Jitendra Fulbande and Manoj Fulbande. It was revealed that, during the assault, the neck of the deceased was hold and pressed by the accused, and thereafter, the deceased died due to asphyxia to secondary choking.

3. The learned counsel for the applicant submitted that the incident arose from a sudden fight and sudden quarrel on account of a money transaction, and there was no intention to commit murder. Now, the investigation is already completed, the charge sheet is already filed, and the trial has not commenced. In view of that, applicant be released on bail.

4. Learned APP strongly opposed for the said application and submitted that considering the statements of the two eyewitnesses and the Post Mortem report, which sufficiently show the intention of the present applicant, considering the nature of the offence, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it reveals there was a quarrel between the deceased and the present applicant. During that quarrel, the deceased was assaulted by the present applicant. The post mortem report shows multiple injuries on his person. The internal injuries are also noted by the medical officer. The death of the deceased is due to asphyxia secondary to choking. The statements of the

eyewitnesses also disclose the involvement of the present applicant. Especially, the statement of one Manoj shows that the deceased was left out by the present applicant, still he became calm and quiet, and his movements are completely stopped, which is sufficient to show the intention of the present applicant.

6. Considering the prima-facie material against the present applicant, the application deserves to be rejected. In view of the facts and circumstances of the case, I proceed to pass the following order:

a] The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]