



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

CRIMINAL APPLICATION (BA) NO. 121 OF 2025

KIRAN S/O PRALHAD BHUTEKAR

Vrs.

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

Shri Aniruddha C. Jaltare, Advocate for applicant.
Ms. Mrunal Barabde, A. P. P. for Non-applicant-State.

CORAM: URMILA JOSHI-PHALKE, J.

DATE : 07/03/2025.

1. The applicant came to be arrested on 09/02/2024 in connection with Crime No.36/2024 registered under Sections 302, 307, 324, 201, 504 and 506 of the Indian Penal Code.

2. Heard learned counsel for the applicant, who submitted that the brother of the present applicant Madhav Bhutekar lodged a report on 08/02/2024 at around 6.00 p.m. that when he was present in his house along with other family members, the present applicant who is his brother came to his house and demanded money from mother. On refusal from the mother, he has assaulted his mother with the knife on left side hand and stomach. His mother was immediately rushed to the hospital and the applicant fled away from the spot. On the

basis of the said report, police have registered a crime against the present applicant.

3. Heard learned counsel for the applicant who submitted that initially, the information given to the Medical Officer that she accidentally sustained injury and subsequently, the prosecution has come with the case that it is a homicidal death. He submitted that due to the previous enmity between the present applicant and the other family members, false report is lodged against him. Though the knife is seized at the instance of the present applicant, no description was found on the said knife. Thus, there is absolutely no material against the present applicant in the alleged offence. In view of that, he be released on bail.

4. Learned APP strongly opposes the said application and submitted that for trivial reason, the deceased was assaulted by the present applicant who is his mother. Initially, deceased was sent to hospital as the history of the accidental injury is narrated by the relatives of the deceased. However, the statements of the eye-witnesses disclose the involvement of the present applicant in the alleged incident. In view of that, the application deserves to be rejected.

5. Heard learned counsel for the applicant and learned APP for the State.

6. Perused the investigation papers. It reveals that during treatment, the deceased passed away, as she sustained grievous injury. The statement of one Vaishnavi Bhutekar was recorded during investigation which shows that she has witnessed that the present applicant was holding knife in his hand. There are also other eye-witnesses who are family members of the present applicant who have consistently stated about the role of the present applicant. As far as the history narrated before the Medical Officer is concerned, nothing is mentioned in the said medical report that who has narrated the said history while admitting the said patient. There may be reason to conceal the nature of incident. Considering the statement of the eye-witnesses in the present case, the involvement of the present applicant reveals. Thus, considering the prima facie case, application deserves to be rejected. Accordingly, I proceed to pass the following order :-

ORDER

7. The application is rejected.

[URMILA JOSHI-PHALKE, J.]