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919 ba 267-2025

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

CRIMINAL APPLICATION (BA) NO.267 OF 2025
WITH
CRIMINAL APPLICATION (APPP) NO. 431 OF 2025

Sitaram Kachru Zingre

Vs.

State of Maharashtra, Through Police Station Officer, Police Station Risod,
District Washim

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

Court's or Judge's orders

Mr. S.R. Jaiswal, Advocate for applicant.
Ms M.A. Barabde, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/06/2025

By this application, the applicant is seeking bail in connection with Crime No. 392/2024, registered with Police Station Risod, District Washim for the offences punishable under Sections 103(1), 238 of BNS Act, 2023.

2. As per the allegations on 19/08/2024 the complainant Madhukar Manmothe lodged a report alleging that his mother Jankabai had given a hand loan of Rs.50,000/- to the present applicant Sitaramji Zingre and she has demanded the said amount therefore, on 18/08/2024 at about 11:00 a.m. when informant was returning home with his daughter, his

son called him at 4:00 p.m. and informed him that dead body of his grandmother is lying near the house of Sitaramji Zingre i.e. the present applicant. Therefore, the informant immediately rushed to the spot of incident and noticed that there is a pulling mark upto 60 to 70 feet from the house of the accused-applicant and blood stains were found on the ground near the house of the present applicant. On the basis of the same he lodged a report.

3. Learned Counsel for the applicant submitted that the applicant is 73 years old man and suffering from various ailments. The present application is filed by him for grant of bail under the scheme floated by the NALSA for Old Prisoners and Terminally ill prisoners. He further submitted that entire case is rested on the circumstantial evidence. There is nothing on the record to connect the applicant with the alleged offence. In view of that the applicant be released on bail.

4. Learned APP strongly opposed the application on the ground that the cause of death of the deceased is due to head injury. There are circumstances which show that blood stains were found on the back side of the house of the present applicant as well as there were drag marks. A purse of deceased was found in the half burnt condition. Iron scissor and the broken bangles of the deceased with blood stains were also found. During

investigation the statement of the complainant and the other relevant witnesses came to be recorded, from which the involvement of the present applicant reveals. one iron pipe is also seized at the instance of the present applicant. As per the medical query report, the injuries found on the person of the deceased are possible by this weapon. Thus, considering all the circumstantial evidence which connect the present applicant and trial is already commenced, hence application deserves to be rejected.

5. On hearing both the sides and on perusal of investigation papers it reveals that there is ample material on record to show the involvement of the present applicant in the alleged offence. The application is filed under the scheme which is floated by the NALSA under the name of "A Special Campaign for Old Prisoners and Terminally Ill Prisoners". The criteria laid down under the scheme is release on compassionate grounds of older prisoners who are in need of constant specialist nursing care and who do not pose a risk to society, on transferring them to an appropriate institution in the community. Thus, the requirement is that the person should be in need of constant care or constant nursing or suffering from any ailment. As far as present applicant is concerned, nothing is on record to show that he is suffering from any ailment and he is in need of constant care or nursing. Considering the fact that

now the trial is already commenced and can be concluded within short span of time. The application deserves to be rejected. Accordingly, I proceed to pass the following order.

ORDER

- (i) Application is rejected.
- (ii) The learned Counsel of the applicant being appointed Counsel is entitled for his fees as per the Schedule.

Application is disposed of.

(URMILA JOSHI-PHALKE, J.)