

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

**CRIMINAL APPLICATION (BA) NO. 280/2021**

Rajesh @ Raju Narayan Sarnaik

**-VERSUS-**

State of Maharashtra.

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders

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Shri M. N. Ali, Advocate for applicant.

Ms. N. P. Mehta, APP for State/non-applicant.

**CORAM : VINAY JOSHI, J.**

**DATE : 23.04. 2021.**

Hearing was conducted through Video  
Conferencing.

2. Applicant is seeking for bail in Crime No. 842/2020 registered with Police Station Risod in connection with offence punishable under Sections 302, 324, 324, 504, 506 read with Section 34 of the Indian Penal Code. The State resisted bail by contending that there are various eye-witnesses to the incident. According to the State, applicant along with his two associates have assaulted deceased at the instance of land dispute and caused several injuries which took his life. Having regard to the nature of accusation, bail is prayed to be rejected.

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3. Wife of deceased Anita lodged report on 21.11.2020 i.e. on the following day of the occurrence. She stated about the land dispute in between her husband deceased Ravi and applicant Rajesh. On the point of occurrence, she stated that at the relevant time, applicant came in front of their house and picked up a quarrel. The applicant dragged her husband out of the house and then applicant along with two co-accused assaulted deceased by means of sticks. Some other have tried to intervene, however they were also beat. Learned counsel for the applicant would submit that the prosecution case itself is doubtful particularly, he has pointed out the statement of father of the deceased namely Pralhad which was recorded prior to the lodgement of First Information Report (FIR). As per his statement, at the time of occurrence, total eight villagers including applicant assaulted Ravi by means of iron pipe, stick and stones. Moreover, applicant has pointed to the statement of one Santosh who stated that deceased was aggressive. Santosh stated that at the relevant time, deceased was abusing under influence of Alcohol. Deceased also pelted stones on which there was assault by means of stick. Prima facie, it appears that father of the deceased has named several persons as assailants which is inconsistent with the story narrated in the

FIR.

4. Pertinent to note that the statement of Pralhad is first version making general allegation against eight villagers. The injuries may be several but they are mostly abrasions and contusion. No deadly weapon was used in the attack. It is argued that there is no premeditated attack, however that cannot be prejudged at this stage. Suffice to say that, the assault was by stick and no injury was found on vital part of the body. Now, investigation is complete and charge-sheet is filed. Since the applicant and the informant are residents of same village, he can be released on bail by imposing certain stringent condition. Hence, following order:-

(I) Application stands allowed.

(II) The applicant/accused Rajesh @ Raju Narayan Sarnaik be released on bail on his furnishing P.R. Bond of Rs. 25,000/- with one or two sureties in the like amount.

(III) The accused/applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the

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evidence.

(IV) The applicant shall not enter within the limit of Village Kawtha till conclusion of trial.

(V) If the applicant breaches any above condition, the State is at liberty to approach this Court for cancellation of bail.

**JUDGE**

Gohane.