

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

**CRIMINAL APPLICATION (BA) NO.378/2022**

**Gaurav Harishchandra Pachbhai**

**...Versus...**

**State of Maharashtra, Through Police Station Officer, Police Station, Maregaon,**  
**Tq. Maregaon, Dist -Yavatmal**

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

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Shri Imran Deshmukh, Advocate for applicant  
Shri Amit Chutke, APP for non-applicant  
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**CORAM : AVINASH G. GHAROTE, J.**

**DATE : 29/04/2022**

1. Heard Shri Deshmukh, learned Counsel for the applicant and Shri Chutke, learned Additional Public Prosecutor for the non-applicant/State.

2. The applicant has been arraigned for the offence punishable under Sections 326, 324, 323, 294, 506, 307, 302 r/w 34 of Indian Penal Code in Crime No.211/2021, registered with Police Station Maregaon, Tq. Maregaon, Distt. Yavatmal. The incident is dated 03/08/2021. The first information report has been lodged on 08/08/2021. The victim Rupesh has passed away on 13/08/2021. The charge-sheet has been filed on 12/10/2021.

3. Shri Deshmukh, learned Counsel for the applicant submits that the only role attributed to the applicant is assault by kicks to the father of the deceased, namely Sudhakar Kuchankar, considering which, he is entitled for bail.

4. Shri Chutke, learned Additional Public Prosecutor for the non-applicant/State does not dispute that the only role attributed to the applicant, is as indicated above. He, however, submits that considering the role of the applicant insofar as he was in cahoots with the other accused, the application be rejected.

5. The incident is dated 03/08/2021, on which date, the deceased Rupesh Kuchankar, had admonished one Sanket on account of his talking loudly on his mobile, which resulted in a quarrel between them, in which, the said Sanket, who is accused no.1, has assaulted the complainant who was the wife of Rupesh on the leg by means of stick lying nearby. When Rupesh went down to see what nature of injury was suffered by the complainant, the accused no.1, at that point of time assaulted Rupesh on his head by stick, as a result of which, Rupesh suffered injury. When Sudhakar, the father of Rupesh Kuchankar, tried to intervene, the applicant along with Sanket are alleged to have assaulted Sudhakar by kicks and also threatened the complainant with dire straits. Rupesh later on succumbed to his injury on 13/08/2021, as a result of which,

Section 302 of IPC has been imposed. The statement of the complainant Priya and that of Pravin Kuchankar (pg.113), Sudhakar Kuchankar (pg.126) and Mahesh son of Sudhakar (pg.122), are all identical and attribute assault to the applicant by kicks to Sudhakar, considering which, a case for bail is made out. However, since there is a threat administered by the applicant, stringent conditions will have to be imposed. Hence, the following order.

### **ORDER**

(i) The criminal application is allowed. The applicant be released on bail in Crime No.211/2021 for the offence punishable under Sections 326, 324, 323, 294, 506, 307, 302 r/w 34 of Indian Penal Code, registered with Police Station Maregaon, Tq. Maregaon, Distt. Yavatmal on his furnishing PR. Bond in the sum of Rs.1,00,000/- (Rupees One Lakh Only) with two solvent sureties in like amount.

(ii) The applicant shall not directly or indirectly make any attempt to influence the prosecution witnesses or otherwise tamper with the evidence.

(iii) The applicant shall remain present on each and every date before the learned Sessions Court during the course of trial and shall ensure that the trial is not protracted on his count.

(iv) The applicant, during the course of the trial shall not enter the limits of Tahsil Maregaon and shall, at all times, inform the Investigating Officer as well as the Court about his place of residence and the mobile number.

(v) Violation of any of the above conditions shall result in cancellation of bail.

**(AVINASH G. GHAROTE, J.)**

Wadkar