



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

Criminal Application [BA] No.509 of 2023

*Nandlal s/o Bansilal Rayesdar*

vs.

*State of Maharashtra, through PSO of PS Yashodhara Nagar, Nagpur*

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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

*Mr. Y.J. Sheikh, Advocate for the Applicant.*  
*Mr. M.J. Khan, A.P.P. for the Non-Applicant.*

CORAM : M.W. CHANDWANI, J.  
DATE : 30<sup>th</sup> AUGUST, 2023.

Heard the learned Counsel for the applicant as well as the learned A.P.P. for the State.

02] The applicant seeks to release him on regular bail in Crime No.47/2023 registered by Police Station Yashodhara Nagar, Nagpur for the offence punishable under Sections 302, 307 read with Section 34 of the Indian Penal Code.

03] The allegations against the applicant are that, he and other co-accused committed murder of deceased Yogesh Dhamne and also assaulted Ramakant alias Rambhau Shahu, who is the friend of deceased Yogesh.

04] I have gone through the charge-sheet. Perusal of the charge-sheet goes to show that on the fateful day, the deceased along with injured Rambhau and one more person went to the house of accused over the dispute of parking of vehicle on the road by the father of the accused. They started abusing the applicant and also

beat him. Seeing the incident, the other brothers of applicant also came out of house. They also started assaulting the deceased and the injured by pelting bricks. Meanwhile, the applicant also sustained stabbed injuries by knife blows. Thereafter, accused No.1 Sukitram gave knife blows on the deceased including fatal blow on the throat of the deceased. The deceased was taken to the hospital, where he succumbed to the injuries. Pursuant to the complaint lodged by the father of the deceased, the aforesaid offence came to be registered against the applicant and other co-accused.

05] It can be seen from the charge-sheet itself that the deceased and the injured went to the house of applicant and started abusing and assaulting the applicant. The knife blow on the vital part of the deceased is attributed to accused No.1-Sukitram, so also the weapon i.e. knife used in the crime is recovered from accused No.1-Sukitram.

06] It shows that the deceased and injured-Ramakant are the aggressors. The vital injury is not attributed to the applicant. The investigation is already over and the charge-sheet is filed. The trial would take considerable time. Considering the nature of allegations and the role assigned to the present applicant, in my view, discretion of bail on stringent conditions can be exercised in favour of the applicant. Hence, the order :

- (I) The applicant be released on bail in Crime No.47/2023 registered by Police Station Yashodhara Nagar, Nagpur on his furnishing a P.R. Bond in the sum of Rs.50,000/- with one or two solvent sureties in the like amount before the trial Court.

- (II) The applicant shall not threaten the prosecution witnesses and shall not tamper with the evidence.
- (III) The applicant shall not enter within the jurisdiction of Police Station Yashodhara Nagar, Nagpur till conclusion of the trial.
- (IV) The application is allowed and disposed of in the aforestated term.

**JUDGE**

*\*sandesh*