



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

Criminal Application [BA] No.682 of 2023

Rohan s/o Manoj Soyam

vs.

The State of Maharashtra, through P.S.O., Police Station Arni, District Yavatmal

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

Court's or Judge's Orders

Mr. S.I. Ghatte and Mr. Nilesh Tikar, Advocates for the Applicant.
Mr. V.A. Thakare, A.P.P. for the Non-Applicant/State.

CORAM : M.W. CHANDWANI, J.
DATE : 6th OCTOBER, 2023.

The applicant seeks bail in connection with Crime No.273/2022, registered with Police Station Arni, District Yavatmal, for the offence punishable under Sections 302, 307, 504, 506, 143, 148 and 149 of the Indian Penal Code and under Section 4 read with Sections 25 and 27 of the Arms Act.

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

03] The incident occurred on 18/03/2022. When, the complainant along with his family members including his younger brother Atish were dancing on the eve of the Rang Panchami (Holi) at Ganpati Square, at that time, the applicant along with his brother, who were resident of Mahakali Square, also started dancing with them. However, the applicant and co-accused were ousted from the spot, since they belonged from other area. After some time, the applicant and his brother accused Chandan came along with two unknown persons and again wanted to dance with them. When the deceased tried to convince them, the applicant and other co-accused

started assaulting the deceased. Thereafter, co-accused Chandan took out a knife, assaulted its blow on the chest of the deceased and they fled away from the spot. The deceased was taken to the hospital. Initially, offence under Section 307 of IPC came to be registered. During treatment, the deceased succumbed to the injury. Later on, offence under Section 302 of IPC came to be added.

04] It appears that the other co-accused have already been released on bail. The application of the present applicant came to be rejected by the Court on the ground that the offence is of serious nature. The role of the present applicant is only of caught holding the hands and legs of the deceased. The role of inflicting the fatal blow by knife on the chest of the deceased is attributed to brother of the applicant viz. Chandan. The deceased is having only one stab injury.

05] Considering the role assigned to the present applicant and also considering the facts that the charge-sheet has already been filed, the applicant is behind the bars for more than a year and other co-accused, who had played similar role, have already been released on bail, a case is made out for exercising the discretion in favour of the applicant. Hence, the following order :

- i. The application is allowed.
- ii. Applicant – Rohan s/o Manoj Soyam shall be released on bail in Crime No.273/2022 registered with Police Station Arni, District Yavatmal, on his furnishing a P.R. Bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two solvent sureties in the like amount, before the trial Court.

- iii. The applicant shall not threaten the prosecution witnesses and shall not tamper with the prosecution evidence.
- iv. The application is disposed of in the above terms.

JUDGE

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