



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

CRIMINAL APPLICATION (BA) NO. 841 OF 2023

Aryan s/o Ganeshrao Dabhane

.Vs.

State of Maharashtra, through PSO, Wardha (City) District Wardha

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

Mr Amol Hunge, Advocate for the applicant.

Mr Harshal Phutane, APP for State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd NOVEMBER, 2023.

1. By this application, the applicant is seeking regular bail in Crime bearing No.395 of 2023 registered with Police Station Wardha (City), District Wardha for the offences punishable under Sections 302, 201, 324 read with Section 34 of the Indian Penal Code.

2. It is prosecution case that on 14.04.2023, there was rally at Dhuniwaly Math, Wardha. In the said rally, deceased Nilesh was dancing. During his dance, he pushed accused No.1. Due to said push, there was scuffle between accused No.1 and deceased. It is alleged that due to that scuffle, accused No.1 took knife and gave blow of knife to the deceased. It is alleged that when accused No.1 assaulted deceased with knife at that time applicant had held head and

hair of the deceased.

3. It is contention of learned counsel for the applicant that applicant has been falsely implicated in this case. In the procession so many people were dancing. Applicant has not committed any crime. The offence was happened in spur of the moment. The applicant has not assaulted the deceased. There is no recovery at his instance. Applicant is behind bar more than seven months. Investigation is completed. Charge-sheet has been filed. Hence requested to allow the application.

4. It is contention of learned APP that applicant alongwith accused No.1 assaulted the deceased with knife. Applicant caught hold the deceased and accused No.1 inflicted blow of knife on the deceased. It shows involvement of the applicant in the said crime. There is *prima-facie* case against the applicant. Hence requested to reject the application.

5. I have heard both the counsel. Perused the first information report and charge-sheet.

6. It is alleged that applicant had caught hold head and hair of the deceased. Whereas, accused No.1 had

inflicted blow of knife on the vital part of body of deceased. Applicant has not used any weapon nor there are allegations against the applicant that he had assaulted deceased. Investigation is completed. Charge-sheet has been filed. Applicant is behind bar more than seven months. It appears that incident happened in spur of moment. Considering these facts, I am inclined to allow the application. Accordingly, I pass the following order:-

- i) Criminal application is allowed.
- ii) Applicant- **Aryan s/o Ganeshrao Dabhane** be released on bail in Crime No.395 of 2023, registered with Police Station Wardha (City) District: Wardha for the offences punishable under Sections 302, 201, 324 read with Section 34 of the Indian Penal Code, on his furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.
- iii] The applicant shall not in any way tamper with the prosecution evidence.
- iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall co-operate the learned trial Judge in conduct of the trial expeditiously.

7. The Criminal Application stands **disposed of** accordingly.

(SHIVKUMAR DIGE, J.)

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