



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

CRIMINAL APPLICATION (BA) NO.899 OF 2023

Rangnath s/o Punjaji Doifode Vs. State of Maharashtra

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

Court's or Judge's orders.

Shri Anil Mardikar, Sr.Advocate a/b Shri D.P. Singh, Advocate
for applicant.

Shri V.A. Thakre, APP for non-applicant/State.

Shri N.B. Kalwaghe, Advocate for informant (Assist to
prosecution).

CORAM : M.W. CHANDWANI, J.

DATE : OCTOBER 09, 2023.

CRIMINAL APPLICATION (APPP) NO.1604 OF 2023

By this application the informant is seeking
permission to assist the prosecution.

2. For the reasons mentioned in the application, the
informant is permitted to engage counsel and assist the
prosecution. The application is disposed of accordingly.

CRIMINAL APPLICATION (BA) NO.899 OF 2023

3. The applicant is seeking bail in connection with Crime
No.453/2022 registered with Police Station, Deulgaon Raja,
District Buldhana for the offences punishable under Sections
302, 307, 324, 504, 506 read with Section 34 of the Indian
Penal Code.

4. Heard learned counsel for the applicant as well as

learned APP assisted by learned counsel for the informant. I have perused the charge-sheet.

5. Perusal of charge-sheet shows that the dispute arose due to continuous intrusion of the tipper owned by the applicant and his son Shivaji. On this count, there were scuffles on several times between the informant and the accused persons. On the fateful day, the informant and his father spotted the tipper driven by the driver Sanjay Khandagale near the crematorium, where again the driver Sanjay was reprimanded by the informant. On call by driver Sanjay, the applicant alongwith co-accused Shivaji and Naresh reached on the spot, and soon they indulged into an assault on the informant and deceased. However, due to timely intervention by the villagers, the dispute was made to halt. It is also the case of the prosecution that when the informant and deceased were standing by the side of the road near their house, the applicant and other co-accused went there in Bolero vehicle and hurled abuses. Co-accused Shivaji took Bolero vehicle over the person of the deceased. Due to this, the deceased sustained several injuries and thereafter he succumbed to the injuries. Therefore, aforesaid offences came to be registered against the applicant and other co-accused.

6. A perusal of charge-sheet goes to show that the role assigned to the applicant is that he instigated the main accused-Shivaji, whereby the said Bolero vehicle was driven over the person of deceased Tejram. He challenged the

family of the deceased that if anybody had the courage, come in front and thereafter the main accused – Shivaji took the vehicle on the person of the deceased. Thus, the role taking over the vehicle on the person is assigned to accused-Shivaji. It is also a matter of record that the present applicant also sustained the injuries in the earlier incident and on his instance offence under Section 324 came to be registered against the deceased, his son, and the informant. There is no dispute that the applicant is a senior citizen and is suffering from various ailments. The charge-sheet has already been filed. Considering the role assigned to the present applicant and his age and ailment, the discretion of bail can be exercised in favour of the applicant. So far as anxiety of learned APP that the applicant is a resident of the same village and there is the possibility of occurrence of similar offence cannot be ruled out is concerned, I think the applicant can be put on terms. Hence, I proceed to pass the following orders:

ORDER

- i. The application is allowed.
- ii. The applicant - Rangnath S/o Punjaji Doifode, shall be released on bail in connection with Crime No.453/2022 registered with Police Station, Deulgaon Raja, District Buldhana for the offences punishable under Sections 302, 307, 324, 504, 506 read with Section 34 of the Indian Penal Code, 1860, on furnishing PR bond in the sum of Rs.50,000/- with one solvent surety in the like amount.

- iii. The applicant shall not enter in the territorial jurisdiction of Sultanpur.
- iv. The applicant shall not induce, threaten, or promise any witness, who are connected with the alleged crime.
- v. The applicant shall not indulged himself in the similar type of offence.
- vi. The observations made in this order are prima facie. The trial Court shall not get influenced by the observations made in this order.

The application is disposed of.

JUDGE

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