



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

**CRIMINAL APPLICATION (BA) NO.370 OF 2024**

Ganesh Raju Chavhan

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,  
Hiwarkhed, Khamgaon, Buldhana

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

Court's or Judge's orders

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Mr. Mir Nagman Ali, Advocate for applicant.

Mr. A. G. Mate, APP for respondent/State.

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATED : 13/06/2024**

1. The applicant came to be arrested on 20.10.2023 in connection with Crime No.142/2019 registered with Police Station, Hiwarkhed, Khamgaon District Buldhana for the offences punishable under Sections 143, 147, 148, 302, 307, 324, 504 read with Section 149 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act.

2. The accusation against the present applicant is on the basis of report lodged by Amol Pawar who alleged that on 04.08.2019 at about 10.00 a.m. he and his sister had been in her agriculture field. He returned at the house at about 4.00 p.m. When he was returning towards his house, he witnessed that his maternal uncle Raju Dajiba Chavhan was assaulting his father by means of axe and was giving blow on his head. He immediately

intervened in the quarrel. At that time, other co-accused are also came there. When his mother intervened, the present applicant and Vilas Raju Chavhan and Ajay Raju Chavhan assaulted her by means of fist and kick blows. On the basis of the said report, police have registered the crime against the present applicant and other co-accused.

3. Learned Counsel for the applicant submitted that as far as the assault on the deceased is concerned, which is not attributed to the present applicant, but it is attributed to the other co-accused. He submitted that as per the allegations, present applicant has assaulted the mother of the informant and that is also fist and kick blows. So, no overt act is attributed to the present applicant. The medical certificate of the mother of the informant also shows that she has sustained the simple injury. Now, the investigation is already completed and charge-sheet is filed, further incarceration of the present applicant is not required. The offence under Section 302 of the Indian Penal Code is not attributable to the present applicant. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application on the ground that the applicant and other co-accused, in furtherance of their common intention, assaulted the mother of the informant as well as the other co-accused assaulted his father, in which the death of his father was caused. Considering

the nature of the offence and the circumstances under which the crime is committed *prima facie* case is made out against the present applicant and therefore, application deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the recitals of the FIR as well as various statements of the witnesses. From the investigation papers, it reveals that role attributed to the present applicant is regarding the assault on the mother of the informant. As far as deceased is concerned, the present applicant has not assaulted the deceased, but the role is attributed to the other co-accused Raju Dajiba Chavhan. Considering no vital role is attributed to the present applicant and the mother of the informant has sustained the simple injury. Now, the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required, in view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) The applicant **Ganesh Raju Chavhan** shall be released on bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount, in connection with Crime No.142/2019 registered with Police Station Hiwarkhed, Khamgaon, District Buldhana for the offences

punishable under Sections 143, 147, 148, 302, 307, 324, 504 read with Section 149 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act.

(iii) The applicant shall not enter into the village Dadham, Taluka Khamgaon, District Buldhana, till the culmination of the trial.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

6. The application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**