



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

CRIMINAL APPLICATION (BA) NO.514 OF 2024

Vijay s/o Mangu Narote
Vs.

State of Maharashtra, Through Police Station Officer, Sub Police Station,
Pendhari, District Gadchiroli

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

Court's or Judge's orders

Mr. H. P. Lingayat, Advocate for applicant.
Mr. D. V. Chauhan, Public Prosecutor with Mr. N. B. Jawade, APP for
respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 28/06/2024

1. The applicant came to be arrested on 21.05.2023 in connection with Crime No.7/2023 registered with Sub-Police Station, Pendhari, District Gadchiroli for the offence punishable under Sections 143, 147, 302, 201 504, 506 read with Section 149 of the Indian Penal Code.

2. As per the prosecution case, the information is lodged by the wife of the deceased on 21.05.2023 alleging that on 13.05.2023 at about 9.00 p.m., the informant along with her husband were present in their house and they were called for meeting. In the said meeting, there was hot exchange of words between her husband and other villagers and other villagers have assaulted her husband. As far as the present applicant is

concerned, which was alleged that he has assaulted the deceased by means of fist and kick blows. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel Mr. Lingayat for the applicant. He submitted that as far as the present applicant is concerned, the allegation against him that he has assaulted the deceased along with the other co-accused by fist and kick blows. The death of the deceased is caused due to the head injury. The said injury is attributed to the co-accused Vasudev Narote and the assault by stick was attributed to Devu Narote. As far as the present applicant is concerned, except the allegation that he has assaulted the deceased by means of fist and kick blows, there is no other allegation. Now, the investigation is already completed and charge-sheet is filed. He submitted that though the allegation against the present applicant is that in furtherance of common object, they have assaulted the deceased but considering now, the investigation is completed, charge-sheet is filed, further incarceration of the present applicant is not required, in view of that, he be released on bail.

4. Mr. Chauhan learned Public Prosecutor strongly opposed the application and taken through the entire material collected during the investigation and especially the statements of the eye witnesses,

statement of the wife of the deceased and their statement under Section 164 of Cr. P.C. There is no dispute as to the fact that there are consistent statements that present applicant has assaulted the deceased by fist and kick blows and he submitted that considering the act executed by all the accused, in furtherance of their common intention, therefore the applicant is also responsible for the death of the deceased, in view of that, the application deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned Public Prosecutor for the State, perused the entire material collected during the investigation. There is no dispute as to the fact that alleged incident has occurred in a sudden quarrel. As far as the role of the present applicant is concerned, which is to the extent that in furtherance of the common object of the unlawful assembly, they have assaulted the deceased. Even considering that there was a common object, the role attributed to the present applicant is that he has assaulted by fist and kick blows. Considering the role attributed to the present applicant and now the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required and therefore, the application deserves to be allowed. Accordingly, I proceed to pass following order:

- (i) The application is allowed.

(ii) The applicant **Vijay s/o Mangu Narote** shall be released on bail in connection with Crime No.7/2023 registered with Sub Police Station, Pendhari, District Gadchiroli for the offence punishable under Sections 143, 147, 302, 201, 504, 506 read with Section 149 of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter into the vicinity of Hadapeth, Taluka Dhanora, District Gadchiroli, till culmination of the trial.

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

(v) The applicant shall not indulge himself in similar type of the activities.

(vi) The contravention of any of the conditions would lead to the cancellation of the bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)