



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

CRIMINAL APPLICATION (BA) NO. 532 OF 2024

Rohit Ramsing Solanke V/s State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P.V. Navlani, counsel for the applicant.

Mr. N.B.Jawade, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 03/07/2024.

1. By this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure, 1973. The applicant came to be arrested on 01/11/2023, in connection with crime No. 370/2023 registered at police station Walgaon, District Amravati for the offence punishable under Sections 143, 147, 148, 302, 323, 504 read with Section 149 of the Indian Penal Code, 1860.

2. The allegation against the present applicant is on the basis of report lodged by one Bharat Vishwas Gawai alleging that his son Sachin was working at a godown liquor shop in front of Mahalaxmi Petrol Pump. On 31/10/2023, at about 10.00 a.m. Sachin has attended the work at about 6.00 p.m, his nephew, Siddhu Jawanjal made a phone call to him and informed him that 6 to 7 persons are in search of Sachin. Therefore, informant Bharat left his house and came near Rajput Dhaba, wherein he met Sachin and took Sachin alongwith him on his motorcycle. On the way, the Sachin was receiving the phone call of the co-accused Nagesh

Pandit at about 7.30 p.m. also, he received the phone call of the said Nagesh Pandit when they reached near Ashok Nagar Buddha Vihar. At that time, the present applicant and other co-accused came and started beating Sachin, due to which Sachin fallen on the ground and co-accused Nagesh Pandit gave 4 to 5 blows of knife on the thigh of Sachin.

3. It is submitted by the learned counsel for the applicant that as far as the present applicant is concerned, it is only the general allegation made against him that he has assaulted the deceased. On the basis of said report, police have registered the crime against the present applicant and the other co-accused.

4. Learned counsel Mr. Navlani for the applicant further submitted that, as far as the allegation against the present applicant is concerned, which are similar to the co-accused who is released on bail by this Court in Criminal Application (BA) No.241/2024 as well as Criminal Application Nos. 500/2024 and 74/2024 released by the Sessions Court.

5. He further invited my attention towards various statements including the statement of the independent witnesses, wherein only role assigned to the present applicant that he has assaulted the deceased by fist and kick blows. The PM. Report shows that deceased has sustained the stab injuries, which are attributed to the co-accused Nagesh. The death of the deceased is caused due to stab wound which are attributed to the co-accused. Now,

investigation is already completed and charge-sheet is already filed, further incarceration of the present applicant is not required.

6. Learned APP strongly opposed the said application on the ground that all the accused, in furtherance of their common intention, have assaulted the deceased and caused his death. Considering the same, the application deserves to be rejected.

7. Heard learned counsel for the applicant and learned APP for the State, perused the investigation papers. On perusal of the investigation papers, especially from the recitals of the FIR only role attributed to the present applicant that he came towards the deceased and abused him and assaulted him. Even there is no allegation that he has assaulted the deceased by means of fist and kick blows. As far as the statements of other witnesses are concerned, which shows that he has assaulted the deceased by means of fist and kick blows. The co-accused against whom the similar allegations are made, is already released on bail by this Court, as well as other two accused are released by the Sessions Court. So the ground of parity is available to the present applicant also. Considering now investigation is already completed charge-sheet is already filed and the other co-accused with the similar role, are already released on bail, present application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order;

- a) The application is allowed.
 - b) The applicant – Rohit Ramsing Solanke, shall be released on bail, in connection with crime No. 370/2023 registered at police station Walgaon, District Amravati for the offence punishable under Sections 143, 147, 148, 302, 323, 504 read with Section 149 of the Indian Penal Code, 1860, on executing P.R. bond of Rs. 25,000/- with one solvent surety in the like amount.
 - c) The applicant shall not enter into the vicinity of Hatkheda, Taluka Bhatkuli, District Amravati till culmination of the trial.
 - d) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.
 - e) The applicant shall furnish his cell phone number and address with the address proof alongwith the names of his two relatives with their address with address proof.
 - f) The applicant shall attend the proceeding before the Sessions Court without any exemption unless there are exceptional circumstances.
8. The application stands disposed of.

[URMILA JOSHI-PHALKE, J.]