



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

CRIMINAL APPLICATION (BA) NO.581 OF 2024

Somesh Rajkumar Shende and others

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Hudkeshwar, Nagpur

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

Court's or Judge's orders

Mr. Sunil V. Manohar, Senior Advocate a/b Mr. U. P. Dable, Advocate for
applicants.

Mr. K. R. Lule, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 25/07/2024

1. The applicants came to be arrested on 20.05.2024 in connection with Crime No.376/2024 registered with Police Station, Hudkeshwar, District Nagpur for the offences punishable under Sections 147, 148, 307, 326 and 504 read with Section 149 of the Indian Penal Code.

2. The accusation against the present applicants is on the basis of report lodged by injured Om Jaydeep Ingle alleging that on the day of incident i.e. on 21.05.2024 the co-accused Bhavna Aasole sent him a message and called him to meet her therefore, he along with Om Gulhane and Anuj Nemane went to meet her, at the relevant time near Vidnyan Nagar Garden, he was assaulted by the co-accused Sachit Dharmik as well as there were 8 to

10 unknown persons, who have also assaulted him as well as his friends. On the basis of said report, police have registered the crime against the present applicants.

3. Learned Senior Counsel Mr. Manohar for the applicants submitted that as far as the names of the present applicants are concerned, in the FIR do not appear and no specific role is attributed to them. He submitted that merely on suspicion, they were arrested. There is no material to connect them with the alleged offence. Even during the investigation, the statements of various witnesses are recorded however, no specific role is attributed to the present applicants. In view of that, they be released on bail.

4. Learned APP strongly opposed the said application on the ground that injured informant - Om Ingle has sustained the grievous injury in the alleged incident. The applicants and the other co-accused in furtherance of their common object, assaulted the injured and his friends. The supplementary statement of Om Ingle shows the involvement of one of the applicants namely Yash Pravin Dandale and specific role is attributed to him to show that he has assaulted one of the witnesses namely Om by means of Bamboo stick. Thus, he submitted that *prima facie* material is there against the present applicants. The stick is also recovered from the applicant No.1. Considering the *prima facie*

case against the present applicants, the application deserves to be rejected.

5. After hearing the learned Senior Counsel for the applicants and learned APP for the State, perused the investigation papers from which it reveals that the name of the one Sachit Dharmik is mentioned in the FIR and the role attributed to him is that he has assaulted the informant by means of sharp weapon. As far as the other accused are concerned, general allegations are made against them. In the supplementary statement also no specific role is attributed to the applicant Nos.1 and 2. In view of the memorandum statement of applicant No.1, the stick which was assigned to the applicant No.3 was recovered by the investigating agency. Now, the investigation is practically completed though charge-sheet is not filed. The injured are also discharged from the hospital so, there is no apprehension of death. Considering that the investigation is practically completed and further incarceration of the present applicants is not required, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **No.(1) Somesh Rajkumar Shende**, applicant **No.(2) Devansh Pravin Shrirame** and applicant **No.(3) Yash**

Pravin Dandale shall be released on bail in connection with Crime No.376/2024 registered with Police Station, Hudkeshwar, District Nagpur for the offences punishable under Sections 147, 148, 307, 326 and 504 read with Section 149 of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

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

(iv) The applicants shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)