



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

CRIMINAL APPLICATION (BA) NO.702 OF 2024

Deonath Suka Narote and another
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. Madhur A. Deo, Counsel for applicant.
Mr. A. J. Ghokar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/08/2024

1. The applicants 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 offences punishable under Sections 143, 147, 302, 201 504, 506 read with Section 149 of the Indian Penal Code.

2. As per the accusation, 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 altercation of words between her husband and other villagers and other villagers have assaulted her husband. As far as the present applicants are concerned, it was alleged that they had 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 applicants.

3. Heard learned Counsel Mr. Madhur Deo for the applicant. He submitted that with the similar allegations, the co-accused Vijay Mangu Narote is already released on bail by this Court. He also submitted that against the present applicants it was alleged that they have assaulted by means of fist and kick blows. Now, the investigation is already completed and charge-sheet is filed. In view of that applicants be released on bail as their further incarceration is not required.

4. Learned APP strongly opposed the said application and taken through the entire material collected during the investigation and especially the statements of the eye witnesses from which it reveals that the allegation against the present applicants is that they assaulted the deceased by means of fist and kick blows. He submitted that considering that the deceased was assaulted by the villagers with their common object, the application deserves to be rejected.

5. After hearing the learned Counsel for the applicants and learned APP 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 applicants 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 applicants is that they have assaulted by fist and kick blows. Considering the same, their further incarceration is not required, as now the investigation is already completed and charge-sheet is already filed. In view of that, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **No.1 Deonath Suka Narote**, applicant **No.2 Neu Suka Narote** shall be released on bail in connection with Crime No.7/2023 registered with Sub-Police Station, Pendhari, District Gadchiroli for the offences punishable under Sections 143, 147, 302, 201, 504 and 506 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 enter into the vicinity of Hadapeth, Taluka Dhanora, District Gadchiroli, till culmination of the trial.
- (iv) The applicants 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.)