



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

CRIMINAL APPLICATION (BA) NO. 698 OF 2024

Rajesh Ramdayal Reddy Vs 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. M.N.Ali, counsel for the applicant.

Mr. D.V. Chauhan, Senior Counsel/Public Prosecutor with Mr. N.B. Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 28/08/2024.

1. The applicant came to be arrested on 06/04/2024, in connection with Crime No. 246/2024 registered with Police Station Jaripatka for the offence under Sections 302, 307, 324 read with Section 34 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of a report lodged by Smt. Savita Brijlal Yadav, who is injured as well as the mother of the deceased, on an allegation that on 05/04/2024, at about 9.45 p.m., when she along with her son were sitting in the courtyard of her house, at the relevant time, three persons came on the motorcycle. Out of that, one accused, namely the accused No. 3 Rajesh, thrown the chilly power in the eyes of her son and thereafter was given a blow of the knife on the vital part of his body. Due to which, he sustained the grievous injuries and subsequently succumbed to death. She has also sustained the injuries in the said incident as she intervened in the said

incident. On the basis of said report, police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that as far as the present applicant is concerned, who is not identified during the identification period by the eye witnesses, as well as no overt act is attributed to the present applicant. At the most, from the investigation papers, it reveals that the present applicant was accompanying the co-accused at the time of the incident. Now, investigation is already completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, the applicant be released on bail.

4. Learned Public Prosecutor strongly opposed the said application on the ground that the offence, which is of a grievous nature, the present applicant accompanied the other co-accused, and in furtherance of their common intention, they have assaulted the deceased as well as caused the injuries to the informant. Though the investigation is completed and charge-sheet is filed, considering the apprehension that, if the applicant is released on bail, he would tamper with the prosecution evidence. Hence, the application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers. During the investigation, the investigating officer has recorded the statements of the eye-witnesses. The recitals of

the FIR as well as the statements of the eye witnesses, from which it reveals that the role attributed to the present applicant is only to the extent that he accompanied the co-accused, who has given the knife blow to the person of the deceased, as well as cause the injuries to the informant. The death of the deceased is due to the septicemia following multiple stab injuries.

6. Thus, considering the role of the present applicant, who merely accompanied the other co-accused, and as far as the intention of the other co-accused is concerned, there is nothing on record to show that the present applicant was knowing that the other co-accused is carrying the knife and has intention to eliminate the deceased. Thus, considering the role attributed to the present applicant, the applicant has made out a case to grant him bail. In view of that, I proceed to pass the following order:

- a] The criminal application is allowed.
- b] The applicant - Rajesh Ramdayal Reddy shall be released on bail, in connection with Crime No. 246/2024 registered with Police Station Jaripataka for the offence under Sections 302, 307, 324 read with Section 34 of the Indian Penal Code, 1860, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c] The applicant shall not enter into the jurisdiction of Jaripatka Police Station, Nagpur till culmination of the trial.
- d] The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.
- e] The applicant shall not leave the jurisdiction of the District Court, Nagpur without prior permission of the court.
- f] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]