



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.805 OF 2024

(Jitendra s/o Haransingh Chauhan 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. S.M. Bhangde, Advocate for the applicant.
Mr. S.S. Hulke, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- SEPTEMBER 19, 2024.

The applicant came to be arrested on 13/06/2024 in connection with Crime No.371/2024 registered with Police Station Dharani, District Amravati for the offence punishable under Sections 304, 504 and 506 read with Section 34 of the Indian penal Code.

2. The crime is registered on the basis of report lodged by the wife of the deceased namely Manisha Sawalkar alleging that on 11/06/2024 her father-in-law was abusing her on domestic issues. At that time, her husband tried to intervene and tried to pacify his father stating that he is unnecessarily quarrel with his wife and abusing her. At the relevant time, the paternal aunt of the deceased came there and started argument with the deceased by saying that why he is quarreling with his father and pressed the neck of the deceased and manhandled him. It is alleged that the applicant and his wife though aware about the fact that the deceased was

suffering from the disease like Sickle Cell and then also intentionally and with knowledge, the co-accused has pressed the neck and present applicant has assisted him and caused the death of the deceased. 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 investigation part is concerned, now it is completed and charge-sheet is filed. He submitted that the major role attributed to the wife of the present applicant who is already released on bail. As far as the offence alleged against the present applicant is concerned and the allegation is only to the extent that he has assaulted by fist and kick blows. Thus, considering now the investigation is completed and charge-sheet is filed and other co-accused is already released on bail, on the ground of parity also the applicant shall be released on bail.

4. Learned APP strongly opposed the said application and submitted that with an intention and knowledge the applicant has assaulted the deceased which caused his death. Thus, *prima facie* case is made out against the present applicant, and prays for rejection of the application.

5. I have heard learned Counsel for both the parties. Perused the recitals of the FIR and the

investigation papers from which it reveals that the other co-accused against whom the vital allegations are made is already released on bail. As far as the present applicant is concerned except his presence and the allegation of the abuses and assault by fist and kick blows there is no other allegation. Thus, considering that the co-accused against whom the material allegations are levelled is already released on bail, now investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Jitendra s/o Haransingh Chauhan in connection with Crime No.371/2024 registered with Police Station Dharani, District Amravati for the offence punishable under Sections 304, 504 and 506 read with Section 34 of the Indian penal Code, be released on bail on executing a P.R.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 village Sawalikheda, Tahsil Dharani, District Amravati till culmination of the trial.

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

(v) 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.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*