



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

CRIMINAL APPLICATION (BA) NO. 810 OF 2024

Nilesh Dashrath Patel 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.K. Wankhade, counsel for applicant.

Mrs Swati Kolhe, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/09/2024.

1. The applicant came to be arrested on 27/02/2024, in connection with Crime No. 116/2024 registered with Police Station Rajapeth, District Amravati for the offence punishable under Sections 302, 34, 143, 147, 148, 120(B), 201 read with Section 149 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of a report lodged by the brother of the informant alleging that on 20/02/2024, his elder brother went outside the house at 7.30 p.m. He received the message from the residents at about 9.00 p.m., that the deceased is standing at Chawre Square, and the accused persons who formed the unlawful assembly, on account of the previous dispute, started quarreling with him. The deceased, in order to save his life, ran away from the spot and took shelter in one house at Nandanvan Colony, where all the accused persons came, assaulted him by means of a knife and the cement bricks, and caused his death. On the basis of said report, police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant who submitted that the other co-accused, namely Shreyas Sunil Mete, is released on bail, to whom a similar role is assigned. He submitted that, as far as the CCTV footage is concerned, which shows that the present applicant was standing outside, and the statement of the witnesses also shows that it is not the present applicant who has assaulted the deceased, but he was only present at the spot. He submitted that, now the investigation is complete and a charge sheet is filed, further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application and invited my attention towards the statements of two witnesses, Gajanan Sonaji Lad and Manda Gajanan Lad, in whose house the alleged incident has taken place. She submitted that the statement of these two witnesses, who are the eye witnesses of the incident, clearly show that the present applicant was also involved in the assault on the deceased, and he was holding the weapon in his hand. She submitted that considering the manner in which the deceased was chased and eliminated by the present applicant and other co-accused, the *prima facie* case is made out, in view of that the application deserves to be rejected.

5. After hearing, learned counsel for the applicant and learned APP for the State. Perused the investigation papers, it reveals that due to the previous enmity, the quarrel was

started on the day of the incident between the deceased and the other co-accused. The deceased ran away from the spot to save himself, but he was chased by the present applicant and other co-accused. Thereafter, he entered into the house of said Gajanan Lad, wherein the present applicant and other co-accused have assaulted him. He sustained 9 to 10 grievous injuries in the said incident, and the death of the deceased is due to the multiple injuries on his person. Considering the manner in which that present applicant and other co-accused have chased him and thereafter assaulted him. It is not the case that during the sudden fight and sudden quarrel, the deceased was assaulted. Thus, the circumstances shows that the deceased was chased itself is sufficient to show the intention of the present applicant and other co-accused.

Considering the prima facie case against the applicant, the bail application deserves to be rejected. Accordingly, I proceed to pass the following order.

The criminal application is **rejected** accordingly.

[URMILA JOSHI-PHALKE, J.]