



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

CRIMINAL APPLICATION (BA) NO.824 OF 2024

Savita Yashwant Sayre

Vs.

State of Maharashtra, Through Police Station Officer, 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. Mir Nagman Ali, Counsel for the applicant.
Ms. H. N. Prabhu, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 15/10/2024

1. The applicant came to be arrested on 07.04.2024 in connection with Crime No.270/2024 registered with Police Station, Hudkeshwar, for the offence punishable under Sections 302 and 212 read with 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Shankar Mohan Rai on an allegation that on 06.04.2024 at around 11.30 p.m. Shubham Khorgade, friend of his brother-in-law Ranjit Rathod, had been to his house and asked the complainant to accompany him. When the complainant was proceeding with him, he informed that during the incident Ranjit i.e. deceased had sustained the injuries and succumbed to the death. When the informant reached to the Mahalaxmi Nagar behind Bakde Hall, he found the deceased lying in the pool of blood. On the basis of the information received,

he has lodged the report against the unknown person. During the investigation, it was found that the deceased had been to the pan stall namely Swami Samarth. The Pan Stall at Hudkeshwar Chowk and at the same place present applicant and another accused came and purchased the cigarette. There was hot exchange of words between the present applicant and co-accused and the deceased. It was alleged that deceased was steering towards them and therefore, there was hot exchange of words between them, then deceased has obtained their video and left the place, but the deceased was followed and again deceased has called one Prashant Gangadharao Talkhande and said Prashant Talkhande witnessed that four persons came on a bike and assaulted the deceased, at the relevant time, one of the girl was holding the collar of the deceased and all the accused have assaulted the deceased and caused his death. On the basis of the said statement, the applicant was arraigned as an accused.

3. Heard learned Counsel Mr. Mir Nagman Ali for the applicant, who submitted that as far as the involvement of the present applicant is concerned, which is not directly in the assault. The other co-accused who are assailants are absconding. As far as the role of the present applicant is concerned, which is only to the extent of the presence at the spot of incident and not more than that. He submitted that alleged incident has taken place due to the teasing by the deceased. In view of that now

investigation is completed and charge-sheet is filed, the applicant be released on bail.

4. Learned APP strongly opposed the said application and submitted that the alleged incident has taken place at the instance of the present applicant and other co-accused only. She submitted that the CCTV footage was recorded wherein the involvement of the present applicant is revealed. At the instance of the present applicant, her blood-stained clothes are also recovered. Thus, considering the investigation the material collected shows the involvement of the present applicant and considering the nature of the offence that the deceased has sustained as many as eight stab injuries in the said incident shows the intention of the present applicant and other co-accused to eliminate him. In view of that, the application deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the investigation papers. Admittedly, the FIR is lodged against the unknown person. Dead body was found lying in the pool of blood and it was immediately referred for the postmortem examination. During the postmortem examination, in all eight injuries are found on the person of the deceased which are in the nature of the stab wounds. As far as the internal injuries are concerned, which shows that deceased has sustained the head injury as well as injury on the

internal organs. The injuries are also sustained on the heart and pericardial as well as left lung from the nature of injury, it can be ascertained that there was an intention to eliminate the deceased. The statement of the eye witnesses are also recorded which shows the involvement of the present applicant in the alleged offence. The CCTV footage is also collected during the investigation which shows the active involvement of the present applicant in the alleged incident. Considering the *prima facie* case made out against the present applicant and the circumstances under which the deceased was eliminated and the manner in which the deceased was eliminated, the application has no merits and deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)