



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

CRIMINAL APPLICATION (BA) NO. 919 OF 2024

Dyaneshwar Tejrao Hingane and another
Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Khamgaon City

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. V. Sirpurkar, Counsel for the applicant.
Mr. S. A. Ashirgade, APP for non-applicant. /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19 /10/2024

1. The applicants came to be arrested on 27.05.2024 in connection with Crime No.280/2024 registered with Police Station, Khamgaon City, District Buldhana for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by the informant Gopal Prakash Soni wherein he alleged that on 26.04.2023 at 10 'O' clock midnight one Vijay Sahadev Bade along with Vitthal Eknath Bade and two unknown persons came to the Pan shop of complainant and started quarreling with his father and the reason mentioned by them is that there was a quarrel between them prior to 15 days. During the altercation between them Vijay Bade and Vitthal Bade assaulted the deceased, at the same

time, two unknown persons caught hold the deceased and Vijay Bade gave a blow of 'Kukari' on the chest of the deceased and deceased succumbed to the death. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that as far as the present applicants are concerned, they were not having any enmity with the deceased and only role is attributed to them that they caught hold the deceased. At this stage, nothing is on record to show that they were aware about the intention of the co-accused and considering now the investigation is completed and charge-sheet is filed, their further incarceration is not required. There are no criminal antecedents against them.

4. Learned APP strongly opposed the said application and submitted that old aged man is eliminated by the co-accused with the help of the present applicants for the trifle reasons. Though the investigation is completed the applicants were identified during the identification parade. He submitted that considering the circumstance under which the alleged incident has taken place, the application deserves to be rejected. He further submitted that if the present applicants could not have assisted the co-accused by holding the deceased, co-accused would not have in a position to

execute the act. 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 from which it reveals that the role attributed to the present applicants is to the extent of holding the deceased from the back side. Considering the fact that now the investigation is completed and charge-sheet is filed and the role attributed to the present applicants is not the assault but assisting the co-accused. Considering the fact that the investigation is completed and further incarceration is not required, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **No.(1) Dyaneshwar Tejrao Hingane** and **No.(2) Vishal Baburao Ingle** shall be released on bail in connection with Crime No.280/2024 registered with Police Station, Khamgaon City, District Buldhana for the offences punishable under Sections 302 and 201 read with Section 34 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 Khamgaon, except attending the Court proceedings, till the culmination of the trial.

(iv) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either physically or by electronic media.

(v) The applicants shall attend the proceeding before the Sessions Court without seeking any exception unless there are exceptional circumstances.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)