



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

CRIMINAL APPLICATION (BA) NO.983 OF 2024

Lalit Hemantrao Ingle

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Pulgaon, District Wardha

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

Court's or Judge's orders

Mr. R. M. Daga, Counsel for the applicant.
Mr. Nitin Autkar, APP for non-applicant /State.
Mr. Tejes Deshpande, Counsel for assist to prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 28/11/2024

Criminal Application (APPP) No.2060/2024

1. This application is filed by the original complainant to engage the Counsel to assist the prosecution.
2. In view of the reasons mentioned in the application, he is permitted to engage the Counsel to assist the prosecution.
3. The application is disposed of.

CRIMINAL APPLICATION (BA) NO.983 OF 2024

1. The applicant came to be arrested on 10.05.2024 in connection with Crime No.424/2024 registered with Police Station, Pulgaon, District

Wardha for the offences punishable under Section 302 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Chandrakant Gajanan Surose on an allegation that the deceased is his maternal uncle and dealing with the business of building material supply. On 09.05.2024, he received a message from one Sonu @ Akash Khadse that his maternal uncle is lying in an injured condition on Pimpalgaon Salfal road, he immediately rushed towards the spot. He has also called one Sameer Hiwase who disclosed that as the vehicle of the deceased was dashed by the vehicle of the present applicant, there was an altercation of the words and during that altercation, the present applicant has assaulted the deceased by means of the handle of the spade. On the basis of the said report, police have registered the crime against the present applicant. During the treatment, the deceased succumbed to the death.

3. Heard learned Counsel Mr. Daga for the applicant who submitted that initially Merg was registered as the police received the information that the deceased has sustained the injuries in an accident. He has invited my attention towards the various documents including the history narrated before the Medical Officer wherein it was disclosed that the deceased was brought to the hospital by the wife of the deceased and he has sustained the

injuries in an accident. He also invited my attention towards the statement of one Sameer Hiwase which shows that the informant was informed by the said Sameer Hiwase regarding the alleged incident and immediately, he rushed towards the spot. The statement of Sameer Hiwase also shows that when he reached at the spot, he saw the deceased in an injured condition and his leg was mingled with his vehicle. He also invited my attention towards the photographs of the vehicle of the deceased and submitted that all these circumstances sufficiently shows the deceased has sustained the injuries in an accident, but due to the previous enmity between the present applicant and the deceased, after four days of the incident some statements are recorded and on the basis of the said statement, the applicant was shown to be involved in the said crime. He submitted that now the investigation is completed, the charge-sheet is filed and further incarceration of the present applicant is not required. In view of that, the applicant be released on bail.

4. Learned APP strongly opposed the said application and submitted that though initially there was a history of the incidental injury sustained by the deceased, but during the investigation, the present applicant was arrested on the basis of his memorandum statement. The weapon of the offence i.e. the spade was recovered on which some blackish-reddish stains were found. The said weapon was also

referred to the Medical Officer for obtaining the opinion, who has opined that the injuries sustained by the deceased are possible by the weapon which was referred to him. Thereafter, he invited my attention towards the various statements and submitted that the statements namely, Ravi Wasudevrao Patode and Subhash Laxmanrao Marbate show that there was altercation of words between the present applicant and the deceased and during that scuffle present applicant has given a blow of the handle of the spade on the head of the deceased and deceased succumbed to the death. He submitted that now the investigation is already completed, the charge-sheet is filed, the charge is already framed and the trial can be commenced at any moment. Considering the same the application deserves to be rejected.

5. Learned Counsel Mr. Deshpande for the complainant also reiterated the said contentions and submitted that considering the nature of the offence for which punishment of life imprisonment is provided and the manner in which the deceased was assaulted sufficiently shows the involvement of the present applicant and considering the gravity of the offence, the application deserves to be rejected.

6. After hearing both the sides and on perusal of the investigation papers, it reveals that initially the deceased was taken to the hospital wherein the

history was narrated is of a road traffic accident. It is specifically stated in the history that on 09.05.2024 when the driver of the tractor was taking reverse, he dashed the vehicle of the deceased and deceased has sustained the injuries i.e. on the vital part of the body i.e. head. The spot panchnama was also carried out and photographs of the vehicle were taken which show that the vehicle of the deceased was in a damaged condition. Admittedly, the entire investigation and the reliance of the prosecution is on the various statements recorded by the Investigating Officer. As per the prosecution case, Ravi Wasudeorao Patode has witnessed the said incident, however, his statement is recorded on 12.05.2024. As per the said statement, he was present at the spot of incident. One witness namely Sameer has rushed to the spot immediately after the incident. He has also not stated as to the incident that how he came to know that the deceased was assaulted by the present applicant, but the statement of the first informant and the statement of one Golu @ Pravinkumar Jugalkishor Paniya shows that said Sameer has disclosed to the informant that the deceased has sustained the injuries in an accident. Thus, considering the inconsistency between the statements and the injury sustained by the injured which also can be caused in an accident. However, at this stage, it would not be appropriate to comment regarding the nature of the offence or regarding the opinion of whether the death of the deceased was

caused in an accident or it is a homicidal death. Whether it is a homicidal death or not is a matter of evidence. At this stage, considering the nature of the evidence collected by the Investigating Officer, the applicant has made out a case for grant of bail. In view of that, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Lalit Hemantrao Ingle** shall be released on bail in connection with Crime No.424/2024 registered with Police Station, Pulgaon, District Wardha for the offence punishable under Section 302 of the Indian Penal Code, on executing PR 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 Gunjkheda, Taluka Deoli, District Wardha, till the culmination of the trial.
- (iv) The applicant shall not induce, threat or promise any witnesses who acquainted with the facts of the case either physically or through electronic media.
- (v) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)