



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

CRIMINAL APPLICATION (BA) NO.966 OF 2024

(Pankaj s/o Mansram Aherwar Vs. The 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. M.L. Chandrikapure, Advocate for the applicant.
Mr. N.B. Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- OCTOBER 23, 2024.

By this application, the applicant is seeking bail as he came to be arrested on 19/12/2023 in connection with Crime No.1001/2023 registered with Police Station, Kalamna, District Nagpur for the offences punishable under Sections 302 and 324 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by one Asharfilal Nirmal alleging that he is working as a truck Driver and well acquainted with Amit Ajgar. On 18/12/2023, he was chit-chatting with his friends at Pan kiosk. While attending the nature's call, he heard the sound of Amit Ajgar. He immediately rushed towards him and saw that 3 to 4 persons were fighting with said Amit Ajgar. The informant intervened in the quarrel however, two persons attacked him. It was further alleged that one of them i.e. co-accused Abhijeet Hetram Turkar has given a blow of wooden rafter on the head of the deceased. In the said incident, the informant has also

sustained the injury on his left eye. On the basis of the said report, police have registered the crime against the present applicant as well as the other co-accused.

3. Learned Counsel for the applicant submitted the other co-accused i.e. Sanjay Suryaprakash Uikey and Sheikh Farukh Sheikh Husain are already released on bail. No specific role is attributed to the present applicant as well as no overt act is there. The role attributed to the present applicant is similar to the co-accused who are already released on bail. Thus, on the ground of parity also the present applicant deserves to be released on bail. Now, the investigation is completed and charge-sheet is filed, further incarceration of the applicant is not required.

4. Learned APP strongly opposed the said application on the ground that during investigation the involvement of the present applicant was revealed and present applicant came there along with the weapons in his hand. 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 recitals of the FIR as well as various statements of the eyewitnesses it reveals that the role of giving a blow by wooden rafter is attributed to the co-accused. As far as the present applicant is concerned his presence on the spot of incident along with the weapon is revealed from the

investigation papers. No overt act is attributed to him. With the similar role the other co-accused are already released on bail. 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 – Pankaj s/o Mansram Aherwar in connection with Crime No.1001/2023 registered with Police Station, Kalamna, District Nagpur for the offences punishable under Sections 302 and 324 read with Section 34 of the Indian Penal Code, be released on bail on executing PR. bond in the sum of Rs.50,000/- with one solvent surety, in the like amount.
- (iii) The applicant shall attend the concerned police station twice in a month i.e. 1st and 15th day of every month and the Investigating Officer shall record his presence.
- (iv) The applicant shall not leave the jurisdiction of Nagpur district without prior permission of the District Court, Nagpur, till culmination of the trial.
- (v) The applicants shall not induce, threat or promise any witnesses in any manner who

are acquainted with the facts of the case either personally or by way of electronic media.

(vi) The contravention of any of the condition would lead to the cancellation of bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*