



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

CRIMINAL APPLICATION (BA) NO. 1002 OF 2024

Jagdish s/o Kailash Sahani

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Beltarodi, District Nagpur

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

Court's or Judge's orders

Mr. C. R. Thakur, Counsel for the applicant.

Mr. D. V. Chauhan, Public Prosecutor along with Mr. N. B. Jawade, APP for
non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 14/11/2024

1. The applicant came to be arrested on 10.06.2024 in connection with Crime No.375/2024 registered with Police Station, Beltarodi, Nagpur, District Nagpur for the offence punishable under Sections 143, 147, 148 and 307 read with Section 149 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by the informant on an allegation that on 09.06.2024, he was sitting at Shitala Mata Mandir along with his friends Ganesh Shahu and Piyush Lillare. At about 11.00 to 11.30 p.m., one Dilip Shahu and his friend Piyush were passing on their motorcycle by driving it in a rash and negligent manner, therefore, the complainant and his friend asked them to drive the vehicle slowly on that count,

there was hot exchange of words between them and during the hot exchange of words there was a scuffle and in that scuffle, injured was assaulted by the co-accused, at the relevant time the present applicant was also present there. In the said incident, the injured Aakash Lillare has sustained the injuries. On the basis of the said report, police have registered the crime.

3. Heard learned Counsel for the applicant who submitted that as far as the present applicant is concerned, except his presence there is no other material to connect him with the alleged offence, no overt act is attributed to him. There are cross-complaints filed against each other. Initially, regarding the incident, Crime No.374/2024 was registered on the basis of the report lodged by Smt. Gita Shahu and to give a counterblast to the said complaint, this FIR is lodged against the present applicant and other co-accused. Considering the role attributed to the present applicant, his further incarceration is not required. In view of that, he be released on bail.

4. Learned Public Prosecutor strongly opposed the said application and submitted that there was fighting between the two groups wherein the complainant and his associates sustained injuries. The accused persons of other group also sustained the injuries and one of them namely Dilip Shahu died due to the injuries, regarding the same the another

Crime No.374/2024 was registered against the prosecution witnesses. He submitted that considering there are two groups and there is every possibility of involving themselves in similar type of the crime, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that there was a scuffle between the two groups and in the same scuffle both party members have sustained the injuries and one of the injured has already lost his life. Regarding the said incident, Crime No.374/2024 was registered and present Crime No.375/2024 is registered on the basis of report lodged by Aakash Sudam Lillare. Even taking into consideration the allegation as it is, no overt act is attributed to the present applicant. Except his presence, no other material is collected during the investigation. In view of that, applicant has made out a case for grant of bail. But considering that there were two groups and previous incident also occurred between the two groups, some conditions requires to be imposed on the present applicant. In view of that I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **Jagdish s/o Kailash Sahani** shall be released on bail in connection with Crime No.375/2024 registered with Police Station, Beltarodi, Nagpur, District Nagpur for the

offence punishable under Sections 143, 147, 148 and 307 read with Section 149 of the Indian Penal Code, on executing PR Bond of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant shall not enter into the vicinity of Nagpur except attending the Court proceedings.

(iv) The applicant shall not induce, threat or promise any witnesses in any manner including the manner through the electronic media.

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

(vi) The applicant shall furnish his address where he intends to reside after he is released on bail along with address proof.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)