



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

CRIMINAL APPLICATION (BA) NO.1056 OF 2024
(Ananda s/o Shravan Wakode Vs. 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. A.S. Londhe, Advocate for the applicant.
Mr. H.D. Dubey, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- NOVEMBER 27, 2024.

By this application, the applicant is seeking bail as he came to be arrested on 18/02/2024 in connection with Crime No.66/2024 registered with Police Station, Hiwarkhed, District Akola, for the offences punishable under Sections 143, 145, 147, 148, 149, 324 and 302 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Anil Uttam Tayade, on an allegation that on 16/02/2024 at about 4.00 p.m., the deceased had been to village Danapur and after taking lunch, he proceeded at about 7.30 p.m. towards Malegaon Road. When he was proceeding from the market place, his vehicle dashed against the co-accused Ramabai Kailas Sawale. On that count, there was quarrel and during that quarrel the deceased was assaulted by the present applicant and other co-accused. On the basis of said report, police have

registered the crime against the present applicant and other co-accused.

3. Learned Counsel for the applicant submitted that the other co-accused Ramabai to whom the similar role is attributed is already released on bail. The death of the deceased is caused due to the head injury, which is not attributable to the present applicant. Now, the investigation is completed and charge-sheet is filed, 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 on the ground that in furtherance of the common object the deceased was assaulted by the present applicant. The deceased has sustained as many as 12 injuries on the person and thereafter the death of the deceased is caused. The eye-witnesses statements sufficiently show the involvement of the present applicants in the alleged offence. Hence, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that in the alleged incident, the co-accused Ashabai has also sustained the injuries in the said incident. The injuries sustained by the deceased are in the scuffle which took place on account of the dash of the

vehicle of the deceased to the co-accused. As far as present applicant is concerned general allegation is made against him. Even accepting the allegation as it is, the death of the deceased is caused due to the head injury, which is attributable to the other co-accused. Considering the same the applicant has made out a case for grant of 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 – Ananda s/o Shravan Wakode in connection with Crime No.66/2024 registered with Police Station, Hiwarkhed, District Akola, for the offences punishable under Sections 143, 145, 147, 148, 149, 324 and 302 of the Indian Penal Code, be released on bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case either personally or by way of electronic media.

(iv) The applicant shall not enter into the vicinity of village Hiwarkhed, District Akola till culmination of the trial.

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

(vi) The applicant shall furnish his detail address wherein he is intending to reside after releasing him on bail along with address proof and mobile number, before the investigating agency.

6. The contravention of any of the condition imposed by this Court would lead to cancellation of bail.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*