



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

CRIMINAL APPLICATION (BA) NO. 1038/2023

Uday Vinod Satpute V/s 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. R.S. Kurekar, counsel for applicant.

Mrs. Sneha Dhote, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 08/01/2024.

1. By preferring this application, applicant is seeking bail, in connection with Crime No. 200/2023 registered with Police Station Lonar, District Buldhana, for the offences punishable under Sections 302, 504 read with Section 34 of the Indian Penal Code, 1860. The applicant is arrested on 10/07/2023.

2. The accusations against the present applicant is that on 09/07/2023 when the informant at his house, he received the information that his son was assaulted by one Shubham Bharaskar and his friends, and he was taken to the hospital. He immediately rushed to the hospital and saw that, his son has sustained the injury on his abdomen. On inquiry with the friends of his son, namely Avinash Rajendra Sarkate, he came to know that, he along with the deceased had been to have a lunch at Tejas Wife Bar. At that time, co-accused Shubham @ Vishal Bharaskar, Shubham Narayan Mapari and present applicant assaulted the deceased. Due to the old dispute, the co-accused

Shubham @ Vishal Bharaskar gave a blow by knife, on his abdomen. On the basis of said report, the Police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that, as far as the role of the present applicant is concerned, is to the extent of assault by fist and kick blows and holding the hands of the deceased when deceased was given blow by knife. Thus, no overt act is attributed to the present applicant. Now, investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required and he be released on bail.

4. The said application is strongly opposed by the State. Learned APP submitted that as the present applicant and other co-accused hold the hands of the deceased therefore, the co-accused could execute the act of giving blow on the abdomen of the deceased. Thus, in furtherance of common intention, the deceased was assaulted and succumb to the death. Considering the prima-facie material, the application deserves to be rejected.

5. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers. Admittedly, as far as the role of the present applicant is concerned, is to the extend that he has assaulted the deceased by fist and kick blows. The another role is attributed to the present applicant is that he hold the hands of the deceased and the co-accused has

given the blow of knife on the abdomen of the deceased. This allegation is made on the basis of information received by the informant from one Avinash Rajendra Sarkate. The statement under Section 164 of the Cr.P.C. of one Avinash Rajendra Sarkate is recorded. In 164 statement, said Avinash Rajendra Sarkate only stated that present applicants have abused the deceased and therefore, they took the deceased outside the hotel and thereafter, again he went in the cabin and came out in an injured condition. Thus, the said Avinash Rajendra Sarkate nowhere stated that the present applicant has hold the hand of deceased, and blow of knife given on his abdomen.

6. Thus, there are consistent statement showing that the present applicant has assaulted the deceased by fist and kick blow. Admittedly, the death of the deceased is not caused due to the fist and kick blows. The cause of death of the deceased is Hemorrhagic shock due to the stab injury over abdomen involving superior mesenteric artery. Thus cause of death is not due to assault by the deceased. Now, investigation is completed and charge-sheet is filed, further custodial interrogation is not required. In view of that, criminal application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- i) The criminal application is allowed.

- ii) The applicant – Uday Vinod Satpute, in connection with Crime No. 200/2023 registered with Police Station Lonar, District Buldhana, for the offences punishable under Sections 302, 504 read with Section 34 of the Indian Penal Code, 1860, is released on bail, on furnishing 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 Mapari Galli Lonar, Tah. Lonar, District Buldhana till culmination of the trial.
- iv) The applicant shall furnish his detailed address where he will stay after releasing him on bail, and shall attend the trial Court on each and every date.
- v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]