



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

CRIMINAL APPLICATION (BA) NO. 1102 OF 2024

Bandu @ Banti s/o Kapurchand Chaware
Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Arvi,
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. P. G. Waghmare, Counsel for the applicant.
Mr. H. D. Dubey, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/12/2024

1. The applicant came to be arrested on 30.05.2024 in connection with Crime No.592/2024 registered with Police Station, Arvi, District Wardha for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Satish Bhimraoji Kumre on an allegation that he is residing along with his family members. The present applicant and other co-accused are also related to him. On 30.05.2024 at about 11.15 p.m., when he was proceeding towards the auto stand, at the relevant time, present applicant and the other co-accused came there, assaulted him as well as caused damage to the auto rickshaw also. As far as the present applicant is

concerned, it is alleged that he has assaulted him by fist and kick blows and other co-accused Maroti Chaware has assaulted him by means of a wooden stick. On the basis of the said report, police have registered the crime against the present applicant and other co-accused.

3. Learned Counsel for the applicant submitted that as far as the allegation is concerned against the present applicant which to the extent of assault by fist and kick blows. The death of the deceased is caused due to the head injury which is attributed to the other co-accused Maroti. Now the investigation is already completed, charge-sheet is filed and further incarceration of the present applicant is not required, in view of that, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that alleged incident is witnessed by the eye witnesses. The involvement of the present applicant revealed from the statements of various eye witnesses. As to the assault on the deceased is concerned, the deceased has sustained as many as 9 injuries on his person which resulted into his death. In view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that due to the

previous dispute, the deceased was assaulted by the present applicant and other co-accused. Admittedly, the allegation against the co-accused is also to the extent that he has picked up the stick which was lying at the spot of incident and gave a blow by stick on the head of the deceased. Thus, considering the same, the role of assault by stick is assigned to the other co-accused. As far as the present applicant is concerned, it is only to the extent of assault by fist and kick blows. Now, the investigation is already completed, charge-sheet is filed, considering the same, the application deserves to be allowed. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant **Bandu @ Banti s/o Kapurchand Chaware** shall be released on bail in connection with Crime No.592/2024 registered with Police Station, Arvi, District Wardha for the offences punishable under Sections 302 read with Section 34 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 Chincholi (Dange), Taluka Arvi, District Wardha.
- (iv) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

(4)

37.ba.1102.2024

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)