



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

CRIMINAL APPLICATION (BA) NO.1221 OF 2024

(Deu Suka Narote 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. M.A.Deo, Advocate for the applicant.
Mrs. H.N. Prabhu, A.P.P. for the State.

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

By this application, the applicant is seeking bail as he came to be arrested on 21.05.2023 in connection with Crime No.7/2023 registered with Sub-Police Station Pendhari, Tahsil Dhanora, District Gadchiroli for the offence punishable under Sections 302, 201, 504 and 506 read with Section 34 of the Indian Penal Code.

2. As per the prosecution case, the information is lodged by the wife of the deceased on 21.05.2023 alleging that on 13.05.2023 at about 9.00 p.m., the informant along with her husband were present in their house and they were called for meeting. In the said meeting, there was hot exchange of words between her husband and other villagers and other villagers have assaulted her husband. As far as the present applicant is concerned, it was alleged that he has assaulted the deceased by means stick. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the present applicant is concerned only allegation against him is that he has assaulted the deceased by means of stick. There is no specific allegation that he has assaulted the deceased by means of stick on his head. The death of the deceased is caused due to the head injury. The said injury is attributed to the co-accused Vasudev Narote and the assault by stick is attributed to the present applicant. As far as the present applicant is concerned, there is no specific statement of the wife of the deceased who is the alleged eye-witness of the incident that due to assault by the present applicant the death of the deceased is caused. Moreover, it is the incident which took place suddenly due to altercation of the words and on account of suspicion that deceased has committed a theft. Thus, there was neither an intention nor motive to eliminate the deceased. Now, investigation is already completed and charge-sheet is filed. In view of that, the applicant be released on bail.

4. Learned APP strongly opposed the application and taken me through the entire material collected during the investigation and submitted that the statement of the eye-witness who is the wife of the deceased specifically stated the role of the present applicant. The query report also shows that injuries sustained by the deceased are possible by the stick. The death of the deceased was instantaneous death. Considering the same, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the entire material collected during the investigation. There is no dispute as to the fact that alleged incident has occurred in a sudden quarrel on account of suspicion that the deceased has committed the theft. As far as the role of the present applicant which is only narrated that he has assaulted by stick. There is no statement to the extent that he has dealt a blow on the head of the deceased. Admittedly, the death of the deceased is due to head injury. Considering the alleged incident has taken place in sudden quarrel and there was admittedly no intention to cause the death but knowledge can be attributed to the present applicant. Considering now investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Deu Suka Narote in connection with Crime No.7/2023 registered with Sub-Police Station Pendhari, Tahsil Dhanora, District Gadchiroli for the offence punishable under Sections 302, 201, 504 and 506 read with Section 34 of the Indian Penal Code, be released on bail on executing P.R. bond of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall not enter into the vicinity of Hadapeth, Taluka Dhanora, District Gadchiroli, till culmination of the trial.

(iv) The applicant 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.

(v) The applicant shall not indulge himself in similar type of the activities.

6. The contravention of any of the condition would lead to the cancellation of bail.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*