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

CRIMINAL APPLICATION [BA] NO.50 OF 2024

(Rahul Santosh Jadhao .vs. State of Maharashtra, Through its Police Station Officer, Police Station,
Digras, Tah. Digras, District-Yavatmal)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.A. Dhawas, Advocate for Applicant,
Mr. A.G. Mate, APP for Non-Applicant-State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : FEBRUARY 05, 2024.

. The applicant came to be arrested on 12.06.2023 in connection with Crime No.348/2023 registered under Sections 143, 147, 148 and 302 read with Section 149, 341 and 506 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of the report lodged by Santosh Pandurang Chauhan alleging that on 20.6.2022 dispute had taken place between his father and co-accused Kailash Rathod on account of boundary of the agricultural field. On the date of incident, on 11.06.2023 at about 5.00 pm, his elder brother Subhash Chauhan had been to agricultural field and he also followed his brother. While returning from the field he witnessed that accused Kailash Rathod holding axe in his hand. Thereafter,

at about 7.30 pm, Subhash received a phone call from Nagorao Tiwaskar, who called him in his agricultural field. The informant immediately rushed to the field and saw that his father was lying in an injured condition having blood stained injuries on his head. He immediately removed to his father in the hospital but he succumbed to the death. As per the allegations his father disclosed to him that the co-accused Kailash Rathod gave a blow of axe on his head and the other co-accused including the present applicant assaulted him by means of stick. After registration of the crime, the wheels of the investigation started rotating. During investigation, the investigating officer has recorded the various statements and seized the incriminating articles.

3. The learned counsel for the applicant Mr. Dhawas submitted that as far as the present applicant is concerned general allegations are made against him. The cause of death is due to head injury which is not attributed to the present applicant. Now investigation is completed and the chargesheet is filed.

4. The learned APP strongly opposed the application on the ground that considering the gravity of the offence that the deceased was assaulted by all the accused along with the present applicant in furtherance of their common object as

death is caused. The prima facie case is made out against the present applicant. In view that, the application deserves to be rejected.

5. After hearing the learned counsel for the applicant and after perusal of the investigation papers, it reveals that the only role attributed to the present applicant is his presence and general statement made that he had assaulted the deceased along with the other co-accused. Admittedly, the death of the deceased is caused due to the head injury which is attributed to the co-accused Kailash Rathod. Now the investigation is completed and chargesheet is filed. Considering the general allegations against the present applicant and considering the fact that now the investigation is completed and no purpose will be served by keeping the present applicant behind bar, the application deserves to be allowed. Accordingly, I proceed to pass the following order :

ORDER

- (i) The application is allowed.
- (ii) The applicant **Rahul Santosh Jadhao** be released on bail in connection with Crime No.348/2023 registered with Police Station, Digras, District-Yavatmal for the offences

punishable under Sections 143, 147, 148, 341, 506 and 302 read with Section 149 of the Indian Penal Code, on executing PR. Bond in the sum of Rs.50,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter in the village Wadgaon, Tahsil-Digras, District-Yavatmal, till conclusion of the trial.

(iv) The applicant shall not induce, threat or promise any witnesses who are connected with the alleged crime.

(v) The applicant shall furnish his address along with two relatives' cell phone numbers and addresses with their address proof.

(vi) Bail in trial Court.

JUDGE