



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 42 OF 2025

Nitin Sanjay Barse,
Age : 21 Years, Occu. : Labour,
R/o. Nehru Nagar, Kurunda,
Tq. Vasmant, Dist. Hingoli.

... Applicant

Versus

1. The State of Maharashtra,
Through Officer In-charge,
Police Station, Kurunda,
Dist. Hingoli.

2. The Superintendent of Police,
Hingoli, Dist. Hingoli.

... Respondents

.....
Mr. Sudarshan J. Salunke, Advocate for Applicant
Mr. Santosh Kendre, APP for Respondent - State.

.....
CORAM : ABHAY S. WAGHWASE, J.

DATED : 20 FEBRUARY, 2025

ORDER :

1. Applicant seeks grant of bail on account of his arrest in Crime No.0218 of 2024 registered at Kurunda Police Station, Dist. Hingoli for offence punishable under sections 302, 201, 323, 504, 506 r/w section 34 of Indian Penal Code and under section 4/25 of the Arms Act.

2. Pointing the date of arrest of applicant as 25.04.2024,

learned counsel submitted that, FIR is of 24.04.2024. He further submitted that, now investigation is over and charge-sheet is already filed in July 2024 itself. That, nothing is shown to be yet recovered or discovered from him and as such according to him, his detention is unnecessary. Learned counsel pointed out that, only role attributed to applicant is that by holding knife in the hand, he prevented others from coming to rescue. He has not been attributed role of stabbing, which is the role ascribed to accused Krishna. Therefore, for above reasons, he seeks grant of bail on suitable conditions deemed fit by this court.

3. While opposing the Bail Application, learned APP would submit that serious offence is committed. That, there is a murder. However, learned APP submitted that, though applicant was present and he did not assault or stabbed, there are witnesses stating that by holding knife he prevented others from coming to save the deceased. Learned APP also submitted that, knife is already recovered at the instance of present applicant. Therefore, for above reasons, learned APP opposes the application.

4. Heard. Perused the papers. FIR seems to be at the instance of Gajanan Sakharam Bande, who lodged report informing that on 23.04.2024, around 6:45 p.m, his cousin deceased

Ramkishan came on motorcycle in frighten condition. He was followed by three persons on motorcycle. Two amongst them were Krishna and present applicant and informant did not knew third person, but stated that, he can identify him. It is reported that, Krishna questioned his deceased cousin for giving cut on motorcycle and thereafter, initially slaps and fist blows were given. Informant claims that present applicant was holding Khanjir, when informant pleaded not to beat deceased, it is alleged that, present applicant threatened him that to keep silent or else he would also be done to death. Krishna allegedly stabbed deceased Ramkishan in the back after chasing him. It is alleged that, present applicant brandished knife asking no one to come near. When villagers started arriving those three persons fled.

5. Therefore, as seen from the FIR, allegation of stabbing are directed against Krishna. No overt act is attributed to present applicant. Knife is said to be already recovered from him. Applicant is behind bars since April 2024. Charge sheet is already filed. Considering the above role, relief as prayed deserves to be granted. Hence, the following order is passed :-

ORDER

- (i) The Application is allowed.

- (ii) Applicant Nitin Sanjay Barse be released on bail in connection with Crime No.0218 of 2024 registered with Kurunda Police Station, Dist. Hingoli on executing P.B. of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not enter in the vicinity of Kanosa village, Tq. Vasmata, Dist. Hingoli till conclusion of the trial.
- (v) Applicant shall attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)