

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 272 OF 2025

Rajendra Nana Mojad	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Aniket Nikam, Advocate for the Applicant.

Mr. S. S. Chaudhari, A.P.P. for the Respondent – State.

Mr. Vikram Mohite (P.I.), Bhadrakali Police Station, Nashik, present.

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CORAM	:	N. R. BORKAR, J.
DATE	:	27th FEBRUARY, 2025

P.C.:

1. This is an application for regular bail.

2. The applicant came to be arrested in Crime No. 212 of 2024 registered at Bhadrakali Police Station, District : Nashik for the offences punishable under Sections 302, 307, 326, 324, 323, 504 & 506 of the Indian Penal Code and Section 135 of the Maharashtra Police Act.

3. The deceased was the father of the complainant. According to the prosecution, the applicant and his family

members, who were residing in the neighbourhood of the complainant, for one reason or the other used to frequently quarrel with the family members of the complainant. According to the prosecution, on the date of incident which took place on 14.06.2024, co-accused Sunny Mojad (the son of the applicant) and others were playing cricket in front of the grocery shop of the complainant. It is alleged that he told them not to play the cricket there. According to the prosecution, the co-accused Sunny Mojad got annoyed and he started abusing the complainant. It is alleged that at that time the present applicant and other co-accused came there and they too started abusing him. It is alleged that on hearing abuses his family members including the deceased came there. It is alleged that the present applicant and other co-accused assaulted him by fist and kick blows. It is alleged that the co-accused Sunny Mojad assaulted the deceased by cricket bat on his head due to which he became unconscious and ultimately died on 17.6.2024.

4. I have heard the learned counsel for the applicant and learned A.P.P for the Respondent-State.

5. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that just to rope in entire family, the false allegations are made against the applicant. It is submitted that even otherwise the allegations of assault to the deceased are against the co-accused and from the allegations it cannot be said that incident was premeditated.

6. On the other hand, learned APP submits that the applicant was part of unlawful assembly. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. The allegations of assault to the deceased are against the co-accused. *Prima facie*, the incident does not appear to be premeditated. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. In the result, the following order:

ORDER

- (i) The Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No. 212 of 2024 registered at

Bhadrakali Police Station, District : Nashik for the offences punishable under Sections 302, 307, 326, 324, 323, 504 & 506 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(iii) The applicant shall not enter into the corporation limits of Nashik City except to attend the dates before the trial Court.

(iv) The Application stands disposed of accordingly.

(N. R. BORKAR, J.)