



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

CRIMINAL APPLICATION (BA) NO.10 OF 2025

Vitthal @ Vithoba Eknath Badhe

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Khamgaon City, District Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. V. Sirpurkar, Counsel for the applicant.

Mr. D. V. Chauhan, Public Prosecutor with Ms. Shena Dhote, APP for the
applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/03/2025

1. The applicant came to be arrested on 29.05.2024 in connection with Crime No.280/2024 registered with Police Station, Khamgaon City, District Buldhana for the offence punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by the informant Gopal Prakash Soni wherein he alleged that on 26.05.2024 at 10.00 o'clock midnight one Vijay Sahadev Badhe along with the present applicant and two unknown persons came to the Pan shop of the complainant and started quarreling with his father and the reason mentioned by them is that there was a quarrel between them prior to 15 days. During the altercation between

them Vijay Badhe and Vitthal Badhe assaulted the deceased, at the same time, two unknown persons caught hold the deceased and Vijay Badhe gave a blow of 'Kukari' on the chest of the deceased and deceased succumbed to the death. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant, who submitted that with the similar role the co-accused Dnyaneshwar Hingne and Vishal Ingle are already released on bail by this Court. The similar role is attributed to the present applicant. Now the investigation is completed, charge-sheet is filed and the vital role is played by the other co-accused. There are no criminal antecedents against the present applicant.

4. Learned Public Prosecutor strongly opposed the said application and submitted that old aged man is eliminated by the present applicant and other co-accused. Though the investigation is completed, considering the circumstance under which the alleged incident has taken place, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers from which it reveals that similar role is attributed to the present applicant as the co-accused Dnyaneshwar Hingne and Vishal Ingle

who are already released on bail. The role attributed to the present applicant is only to the extent of holding the deceased from the back side. Considering that two co-accused are released on bail, who were assigned the similar role, the ground of the parity is available to the present applicant. In view of that, the application deserves to be allowed. Moreover, the 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 following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Vitthal @ Vithoba Eknath Badhe** shall be released on bail in connection with Crime No.280/2024 registered with Police Station, Khamgaon City, District Buldhana for the offence punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.
- (iii) The applicant shall not enter into the vicinity of Khamgaon, except attending the Court proceedings, till the culmination of the trial.
- (iv) The applicant shall not induce, threat or promise any of the witnesses who are acquainted with the facts of the case either physically or by electronic media.
- (v) The applicant shall attend the proceeding before the Sessions Court without

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seeking any exemption unless there are exceptional circumstances.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate