



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

CRIMINAL APPLICATION (BA) NO.143 OF 2025

Sahil @ Saurabh Ali Rias @ Mukhtar Ali
Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Imamwada, District Nagpur

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

Court's or Judge's orders

Mr. S. P. Bodalkar, Counsel for the applicant.
Mr. V. A. Thakare, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 25/03/2025

1. The applicant came to be arrested on 21.11.2023 in connection with Crime No.448/2023, registered with Police Station, Imamwada, Nagpur for the offence under Sections 302, 120-B, 143, 147, 148 read with Section 149 of the Indian Penal Code and under Section 4 and 25 of the Arms Act and under Section 135 of the Maharashtra Police Act.

2. The First Information Report was registered on the basis of report lodged by Madhuri Nitin Rohanbagh, who is the wife of the deceased. As per the allegations on the intervening night of 30.10.2023 and 31.10.2023 at about 3.00 a.m. accused persons had reached the prime accused Gabbar Chauhan while the deceased was sleeping and assaulted and killed the deceased by using the

knife, bricks and other weapons. On the basis of 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 co-accused Yash @ Tarun Hari Godariya is already released on bail by this Court. The similar role is attributed to the present applicant, no overt act is there. The only role attributed to him that he was standing on the road and watching whether anybody is approaching to the spot of incident. Thus, considering the role attributed to the present applicant, which is similar to the co-accused, therefore, on the ground of parity the present applicant be released on bail.

4. Learned APP strongly opposed the said application and submitted that in furtherance of the common intention, the deceased was attacked by the present applicant and the other co-accused. The involvement of the present applicant reveals as he was witnessed by the witnesses standing on the road. In view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers it reveals that the presence of the present applicant was witnessed at the spot of incident, but role attributed to the present applicant is only to the extent of watching whether anybody is

approaching to the spot of incident when the other co-accused were executing the role. With the similar role, the co-accused is released on bail. Thus, considering the role of the present applicant is only limited. Now, the investigation is already completed, charge-sheet is already filed, and further incarceration of the present applicant is not required. The ground of parity is also available to the present applicant. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant – **Sahil @ Saurabh Ali Rias @ Mukhtar Ali** shall be released on bail in connection with Crime No.448/2023, registered with Police Station, Imamwada, Nagpur for the offence under Sections 302, 120-B, 143, 147, 148 read with Section 149 of the Indian Penal Code and under Section 4 and 25 of the Arms Act and under Section 135 of the Maharashtra Police Act, on executing P.R. Bond of Rs.25,000/- with one surety of like amount.
- (iii) The applicant shall attend the Police Station Imamwada, Nagpur twice in a month on 1st and 15th of every month and the Police Station Officer shall record his presence.
- (iv) The applicant shall not induce threat or promise any witnesses, who are acquainted with the facts of the case.
- (v) The applicant shall not enter into the jurisdiction of Police Station Imamwada, Nagpur till culmination of the trial.

(vi) The applicant shall furnish his detailed address alongwith address proof and his mobile number.

(vii) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

6. The application is disposed of

(URMILA JOSHI-PHALKE, J.)