



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

CRIMINAL APPLICATION (BA) NO. 173 OF 2025

Anil @ Gagdish s/o Parashram Mahale Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.M. Jaltare, counsel with Mr. Dawda, counsel for applicant.

Ms. T.H. Udeshi, APP for non-applicant/State.

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

1. Present application is for seeking bail in connection with Crime No. 457/2024 registered with Police Station Washim for the offence punishable under Sections 49, 3(5) 103 (1) of the Bhartiya Nyay Sanhita, 2023.

2. Heard learned counsel for the applicant, who submitted that one Pandurange Shivram Ingale has lodged the report on 23/10/2024 alleging that his son, namely Narayan Pandurang Ingale, is married and has two children, and he is residing with him in a joint family. On 22/10/2024, around 9 p.m., there was a quarrel between his son and his daughter-in-law, i.e. Sharda. The complainant reported the incident involving both of them. Thereafter, on 23/10/2024 at about 6.30 a.m., his daughter-in-law Sharda called her brothers and informed them about the quarrel with the son of the complainant. At around 7.00 a.m., the son of the complainant has left his home on his motorcycle, and around 9.00 a.m., the

brother-in-law of the complainant, namely Vishal, has come to his house for taking his sister and children with him at village Jambhrun. It revealed that the present applicant and other co-accused have assaulted the deceased and caused his death. As far as the allegation against the present applicant is concerned, he has assaulted by means of a plastic pipe on his legs and hands.

3. It is submitted by the learned counsel for the applicant that the cause of death of the deceased is due to the head injury, which is not attributed to the present applicant. Now, the investigation is already completed, and the charge-sheet is already filed. The applicant is a school going boy studying in 12th standard. Considering the role attributed to him, he be released on bail.

4. Learned APP strongly opposed the said application on the ground that in furtherance of the common intention, the present applicant and other co-accused have assaulted the deceased and caused his death.

5. On perusal of the entire investigation papers, it reveals that due to the matrimonial dispute between the deceased and his wife, the present applicant, who is a relative of the wife of the deceased, assaulted the deceased, and in that incident the other co-accused have given a blow on the head of the deceased, and the deceased died due to the head injury. As far as the role of the present applicant is concerned, it is attributed to the extent of assaulting the deceased by means of a plastic pipe on the legs and hands. Thus, admittedly, the applicant

has not caused the death of the deceased, though his involvement is in the deceased. Now, the investigation is completed and charge-sheet is filed. Considering the role of the present applicant, he has made out a case for grant of bail. Accordingly, I proceed to pass the following order.

- a] The criminal application is allowed.
 - b] The applicant- **Anil @ Gagdish s/o Parashram Mahale**, shall be released on bail in connection with Crime No. 457/2024 registered with Police Station Washim for the offence punishable under Sections 49, 3(5) 103 (1) of the Bhartiya Nyay Sanhita, 2023, on executing P.R. bond of Rs. 25,000/- with one solvent surety in the like amount.
 - c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
 - d] The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.
 - e] The applicant shall not enter into the vicinity of village Sakhara, till the culmination of the trial.
6. The criminal application is **disposed of**.

[**URMILA JOSHI-PHALKE, J.**]