



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

CRIMINAL APPLICATION (BA) NO. 167 OF 2025

Sanjay Vijay Hiwale 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

Ms Anshula Paunikar, counsel h/f Mr. S.V.Sirpurkar, counsel for applicant.
Mr. V.A.Thakare, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/04/2025.

1. The applicant came to be arrested on 15/04/2024 in connection with Crime No. 307/2024 registered with Police Station Buldhana City, for the offence punishable under Sections 302, 326 read with Section 34 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of a report lodged by Kunal Subhash Nikalje, on an allegation that his brother has participated in the procession on account of "Dr. Babasaheb Ambedkar Jayanti" in Buldhana City. In the said procession, the quarrels started between the present applicant and other co-accused and the deceased, and in that quarrel, the other co-accused gave a blow with knife on his chest, and death of the deceased is caused. The allegation against the present applicant is that he and other co-accused Suraj Khare, along with Sumit Samadhan Hiwale, hold his hand of the deceased and co-accused Suraj Jalandir Khare and gave a blow of knife on

his chest. On the basis of the said report and the investigation, the applicant is arraigned as an accused.

3. Ms. Anshula Paunkar, learned counsel for the applicant submitted that, as far as the role of the present applicant is concerned, which is only to the extent of holding the hands. He has not caused the death of the deceased. Now, the investigation is already completed, the charge-sheet is already filed, and further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed for the same on the ground that, considering the present applicant and other co-accused with their common intention caused the death of the deceased. There is a prima facie material against the present applicant. The statements of the eyewitnesses, which is a direct evidence, show the involvement of the present applicant, 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 quarrel started suddenly during the procession of “Dr. Babasaheb Ambedkar Jayanti,” and during that procession, there was a sudden quarrel between the deceased and the present applicant and other co-accused. During that quarrel, the present applicant and other co-accused hold the deceased, and said Suraj Jalandir Khare, has given a blow of the knife on his chest. The post mortem report shows that

there were three injuries on the person of the deceased, which are in the nature of the stab wound and an incised wound, and death of the deceased is a haemorrhagic shock due to the stab injury. Admittedly, the stab injuries are not attributed to the present applicant. Now, the investigation is already completed, charge-sheet is already filed, and further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] The criminal application is **allowed**.
- b] The applicant – *Sanjay Vijay Hiwale*, shall be released on bail in connection with Crime No. 307/2024 registered with Police Station Buldhana City, for the offence punishable under Sections 302, 326 read with Section 34 of the Indian Penal Code, 1860, on furnishing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the concerned police station twice in a month on 1st and 15th day of every month till culmination of the trial.
- d] The applicant shall not enter into the vicinity of Milind Nagar, Buldhana till culmination of the trial.

- e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
 - f] The applicant shall attend the proceedings before the Special Judge without seeking any exception unless there are exceptional circumstances.
6. The criminal application is **disposed of** accordingly.

[URMILA JOSHI-PHALKE, J.]