



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.188 OF 2025

(Lakhan @ Laxman Vishwanath Date Vs. The 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. S.V. Sirpurkar, Advocate for the applicant.
Mr. M.K. Pathan, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 11, 2025.

Heard.

2. By this application, the applicant is seeking bail as he came to be arrested on 26/11/2024 in connection with Crime No.213/2024 registered with police station Malkapur, District Buldhana for the offence punishable under Sections 109, 118(1)(2), 125, 126(2), 189(2), 190, 191(2)(3), 324, 351(2)(3) and 61(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The crime is registered on the basis of report lodged by Mahendrasingh Shivilalsingh Rajput on an allegation that there was a dispute between his family members and the accused on account of construction on a drainage and on that count he as well as his father were assaulted by the present applicant and the other co-accused. On the basis of the said report, police have registered the crime against the present applicant.

4. Learned Counsel for the applicant submitted that as far as the present applicant is concerned his name is not mentioned in the FIR. He also invited my attention towards the statement of the injured and stated that injured has made only allegation to the extent of fist and slaps. Thus, he submitted that considering the role of the present applicant and considering the fact that now investigation is completed, his further incarceration is not required. In view of that, the applicant be released on bail.

5. Learned APP strongly opposed the application and submitted that during investigation, the Investigating Officer has collected the CCTV footage and also drawn the video verification panchnama from which it reveals that present applicant was seen assaulting the injured. He also invited my attention towards the statement of one of the witness namely Mahendrasingh Shivilalsingh Rajput who has alleged that present applicant was seen by assaulting the injured by means of fibre rod. Thus, he submitted that the specific role is attributed to the present applicant. In view of that, the application deserves to be rejected.

6. I have heard learned Counsel for both the parties. Perused the investigation papers admittedly, there are inconsistent statement of two eye-witnesses about the incident. At this stage, it is not necessary to go through the merits of the case. Considering the role attributed to the present applicant and even considering the statement of

Mahendrasingh Shivilalsingh Rajput which shows that the assault is not by him on the vital part of the body. Now, investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required. Moreover, the co-accused with the similar role is already released on bail. Thus, on the ground of parity also, the present applicant has made out a case for grant of bail. Accordingly, I proceed to pass the following order:

- (i) The application is allowed.
- (ii) The applicant – Lakhan @ Laxman Vishwanath Date in connection with Crime No.213/2024 registered with police station Malkapur, District Buldhana for the offence punishable under Sections 109, 118(1)(2), 125, 126(2), 189(2), 190, 191(2)(3), 324, 351(2)(3) and 61(2) of the Bharatiya Nyaya Sanhita, 2023, be released on bail on executing PR. bond of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not enter into the vicinity of village Datala, Taluka Malkapur, District Buldhana till culmination of the trial.
- (iv) The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

(v) The applicant shall furnish his cell phone number and detailed address where he is intending to reside after he is released on bail, before the investigating agency.

(vi) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case in any manner either personally or by way of electronic media.

7. The contravention of any of the condition imposed by this Court, would lead to the cancellation of bail.

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*