



THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 207 OF 2025

Shivaji s/o Vithoba Ghonge 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. R.D. Karode, counsel for applicant.

Mr. V.A.Thakre, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01/04/2025.

1. The applicant came to be arrested on 11/09/2024 in connection with Crime 357/2024 registered with Police Station Deulgaon Raja, District Buldhana for the offence punishable under Sections 109, 115, 189(4), 190, 191(1), 191(2), 191(3) of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of a report lodged by Rameshwar Dattatrya Pawar on an allegation that there was a quarrel on account of offering a prayer to Lord Ganesha in village Deulgaon Raja at Shivaji Nagar, and brother of the informant was restrained by the co-accused from offering the prayer. On that count, there was a quarrel, and it is alleged that the present applicant and the other co-accused assaulted the deceased, and the death of the deceased is caused.

3. Heard learned counsel for the applicant, who submitted that as far as the allegation against the present

applicant is concerned, which is only to the extent of a quarrel with the deceased and other family members. The role of the assault is attributed to the other co-accused. Now, the investigation is already completed, and the charge-sheet is already filed, further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that in furtherance of the common intention, the deceased was assaulted by the present applicant and other co-accused. In view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it reveals that as far as the present applicant is concerned, against whom only allegations are levelled is that, he was present and had a quarrel with the deceased and restrained the deceased for offering the prayer. As far as the assault is concerned, the allegation is against the co-accused. Considering that the investigation is already completed and charge-sheet is already filed, and considering the role of the present applicant, his further incarceration is not required, in view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order.

ORDER

a] The criminal application is allowed.

- b] The applicant – *Shivaji s/o Vithoba Ghonge* shall be released on bail in connection with Crime 357/2024 registered with Police Station Deulgaon Raja, District Buldhana for the offence punishable under Sections 109, 115, 189(4), 190, 191(1), 191(2), 191(3) of the Bharatiya Nyaya Sanhita, 2023, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall not enter into the village Deulgaon Raja till culmination of the trial.
- d] The applicant shall attend the proceedings before the Sessions Court without seeking any exemptions unless there are exceptional circumstances.
- e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

6. The criminal application is **disposed of**

[URMILA JOSHI-PHALKE, J.]