



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

CRIMINAL APPLICATION (BA) NO.305 OF 2025

Shubham s/o Vinod Sharma
Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Kalamna, 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. Sanket Bhalerao, Counsel for the applicant.
Ms. Sneha Dhote, APP for the non-applicant / State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/04/2025

1. The applicant came to be arrested on 15.10.2024 in connection with Crime No.743/2024 registered with Police Station Kalamna, District Nagpur for the offence punishable under Sections 61(2), 103, 190, 191(2), 191(3), 189(2), 189(4), 115(2), 109 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 25 of the Arms Act and under Section 135 of the Maharashtra Police Act.

2. The crime is registered on the basis of report lodged by one Ishwar @ Patel Keshav Nishad on 14.10.2024 alleging that he along with his friend i.e. deceased Tahir @ Baba Zakir Khan was proceeding towards the Koradi temple, at that time the deceased has informed him that he has to receive the amount of Rs.20,000/- from one Arjun Chakole

i.e. co-accused and said Arjun has called him at Vinoba Bhave Nagar, therefore they both went at Vinoba Bhave Nagar wherein co-accused Arjun Chakole met them and asked to come in one garden wherein the other co-accused were also present, he as well as the deceased, were assaulted by the co-accused Arjun Chakole and his family members and in the said incident, the deceased has sustained the grievous injuries as he was assaulted by the co-accused by giving blows by sickle. On the basis of the said report, police have registered the crime against the co-accused.

3. Heard learned Counsel for the applicant, who submitted that initially the applicant was not made in the FIR, subsequently, on 14.10.2024 his supplementary statement was recorded wherein the informant has assigned the role to the present applicant as to his presence, at the spot of incident. He submitted that even considering the said statement, no specific role is attributed to the present applicant, his involvement is not in the actual assault. Now the investigation is already completed and charge-sheet is filed, 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 and submitted that in furtherance of the common object on the unlawful assembly, the

deceased was assaulted by the other-accused and mere presence of the present applicant is sufficient to show his common object with the 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 initially the name of the present applicant is not mentioned in the FIR. The recitals of the FIR shows that it was the co-accused Arjun Chakole and other family members, who have assaulted the deceased by means of fist, kick blows and also by sickle, due to which, the death of the deceased is caused. In the subsequent statement, the name of the present applicant is mentioned by the informant and no specific role is attributed to him. Only his presence was shown at the spot of incident. Considering the fact that the involvement of the present applicant in actual assault and now the investigation is completed, charge-sheet is filed, his further incarceration is not required. The application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **Shubham s/o Vinod Sharma** shall be released on bail in connection with Crime No.743/2024 registered with Police Station Kalamna, District Nagpur for the offence punishable under Sections 61(2), 103, 190, 191(2), 191(3), 189(2), 189(4), 115(2), 109 of

the Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 25 of the Arms Act and under Section 135 of the Maharashtra Police Act, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter into the jurisdiction of Kalamna Police Station, till the culmination of the trial.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(v) The applicant shall attend the Pardi Police Station twice in a month on 1st and 15th of every month till the culmination of the trial.

(vi) The applicant shall not leave the jurisdiction of Nagpur city without prior permission of District Judge, Nagpur.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)