



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

CRIMINAL APPLICATION (BA) NO.315 OF 2025

Samadhan Uttam Joshi

Vs.

State of Maharashtra, through D.G.P. Buldhana, for P.S.O. Amdapur,
District Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. V. Sirpurkar, Counsel for the applicant.
Ms. H. N. Prabhu, APP for non-applicant /State.
Mr. B. K. Suchak, Counsel for the complainant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 02/09/2025

1. The applicant came to be arrested on 07.06.2024 in connection with Crime No.168/2024 registered with Police Station Amdapur, District Buldhana for the offences punishable under Sections 302, 109, 504, 506 read with Section 34 of the Indian Penal Code and under section 50/177 of the Motor Vehicles Act.

2. The crime is registered on the basis of report lodged by Sudhir Janardhan Joshi on an allegation that on 06.06.2024 his father, wife and brother were working in the field at Gat No.55. He had gone to the field at around 1.00 p.m. and was working in the field. He heard a voice of quarrel in their field bearing Gat No.55. Therefore, he rushed to the spot, and saw that his father obstructed the

applicant from working as the field belonged to them and therefore, the applicant allegedly drove the tractor on his person and death of the deceased was caused. On the basis of the said report, police have registered the crime.

3. Heard learned Counsel for the applicant who invited my attention towards the recitals of the FIR as well as the panchnama of the tractor, the statements of the eye witnesses and postmortem report and submitted that the blood stain was found on the back portion i.e. on the plough of the tractor, whereas it is the case of the prosecution that the dash was given by different portion of the said tractor. He further submitted that the injury sustained by the deceased are also not consistent with the allegations levelled against the present applicant. There are previous disputes on account of the agricultural land pending before the Court and due to which, the applicant is implicated falsely and maliciously in the alleged offence. He submitted that now the investigation is completed. The applicant is an agriculturist, admittedly, he is not a criminal by nature and the circumstances under which the alleged incident has taken place is to be taken into consideration. In view of that, he be released on bail.

4. Learned APP and learned Counsel for the complainant strongly opposed the said application

and submitted that due to the dispute between the deceased and the present applicant on account of the agricultural land and on the instigation of the other co-accused, the present applicant drove the tractor on the person of the deceased and the death of the deceased is caused. 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 there was a previous dispute between the present applicant and the deceased on account of the said agricultural land. The quarrel started between them on account of the plowing of the field by the present applicant. It is alleged by the eye witnesses that the present applicant has drove the tractor on the person of the deceased, and therefore, the death of the deceased is caused. On perusal of the panchnama of the tractor, admittedly, the blood is found on the back portion of the tractor i.e. on the plough and not on the front portion. At this stage, it is not necessary to comment on the nature of the evidence collected during the investigation. But considering the fact that now the investigation is completed and charge-sheet is filed and the circumstances under which the alleged incident has taken place, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.

(ii) The applicant **Samadhan Uttam Joshi** shall be released on bail in connection with Crime No.168/2024 registered with Police Station Amdapur, District Buldhana for the offences punishable under Sections 302, 109, 504, 506 read with Section 34 of the Indian Penal Code and under section 50/177 of the Motor Vehicles Act, on executing PR Bond in the sum of Rs.50,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter into the vicinity of village Dhotrabhangoji, Taluka Chikhali, District Buldhana, till culmination of the trial.

(iv) The applicant shall not enter into the disputed field Gat No.55, till the culmination of the trial.

(v) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

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

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)