



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

CRIMINAL APPLICATION (BA) NO.351 OF 2025
(Maroti s/o Kapurchand Chaware 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. A.M. Jaltare, Advocate for the applicant.
Ms R.V. Sharma, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 8, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 30/05/2024 in connection with Crime No.592/2024 registered with Police Station Arvi, District Wardha for the offences punishable under Sections 302 read with Section 34 of the Indian Penal Code.

2. Learned Counsel for the applicant submitted that from the recitals of the FIR it reveals that on 30/05/2024 there was a quarrel between the present applicant and the deceased on account of the loss caused to his motorcycle by the deceased, and therefore, the present applicant and the other co-accused has assaulted the deceased and caused his death. On the basis of the said report, police have registered the crime against the present applicant. He submitted that the recitals of the FIR itself shows that the applicant had not come at the spot of incident along with the weapons in his hand. On the

contrary, he after the said incident took the injured in the hospital and admitted in the hospital. Thus, there was no intention to cause the death. At the most, the knowledge is attributable to the present applicant. Now, the investigation is completed and charge-sheet is filed. The entire statements of the witnesses show that due to the sudden fight and sudden quarrel between the deceased and the present applicant the alleged incident has occurred. Considering the nature of the incident and now investigation is completed and charge-sheet is filed, the applicant be released on bail.

3. Learned APP strongly opposed the application and submitted that the intention can be gathered from the circumstance that the present applicant has given a blow of a stick on his head and the death of the deceased is caused due to the head injury. Thus, considering that the present applicant is responsible for the death of the deceased and the intention can be gathered from the circumstance as vital part is chosen by the applicant for the assault. Hence, the application deserves to be rejected.

4. I have heard learned Counsel for both the sides. On perusal of the investigation papers it reveals that on 30/05/2024 there was a quarrel between the present applicant and the deceased on account of loss caused to his motorcycle by the deceased and on that count, the co-accused has assaulted the deceased by means of fist

and kick blows and present applicant has picked up the stick which was lying there and gave a blow of that stick on his head. Thus, from the recitals of the FIR and statements of the witnesses, it reveals that there was a sudden fight and sudden quarrel between them and out of that the present applicant has lost his control, took the stick which was lying there and gave a blow of the said stick on the head of the deceased. As far as the intention is concerned at this stage, it would not be appropriate to comment on whether there was an intention or whether there was a knowledge and whether the case would cover under the culpable homicide amounting to murder or not amounting to murder. At this stage, considering the investigation is completed, charge-sheet is filed and the facts of the case shows that the alleged incident has occurred in a sudden fight and sudden quarrel. There was no pre-mediation to commit or to cause the death of the deceased. Considering the same, the applicant has made out a case for grant of bail and the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Maroti s/o Kapurchand Chaware in connection with Crime No.592/2024 registered with Police Station Arvi, District Wardha for the offences

punishable under Sections 302 read with Section 34 of the Indian Penal Code, be released on bail 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 Chincholi (Dange), Taluka Arvi, District Wardha, 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 not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

5. The contravention of any of the condition would lead to the cancellation of bail.

6. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)