



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

CRIMINAL APPLICATION (BA) NO.379 OF 2025

(Namdeo s/o Mahesh Puri Vs. The State of Maharashtra thr. PSO Police Station
Yashodhara Nagar, Nagpur)

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

Court's or Judge's orders.

Mr. C. R. Thakur, Advocate for Applicant.
Mr. A. M. Ghogare, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 21st APRIL, 2025.

1. Heard.

2. The applicant came to be arrested on 21.06.2024, in connection with Crime No.410/2024 registered with Police Station Yashodhara Nagar, Nagpur for the offences punishable under Sections 302, 307, 143, 147, 148, 149 read with Section 34 of the Indian Penal Code.

3. Heard learned counsel for the applicant who submitted that the crime is registered on the basis of the report lodged by the wife of the deceased who alleged that on 18.06.2024 she received a phone call of a friend of her husband who disclosed to her that the quarrel is going on between the deceased and other 2-3 persons near the Tea stall. She immediately rushed towards the spot of incident and witnessed that the co-accused Shubham Pande, Jitendra Puri and Jitendra Hedao were assaulting her husband by means of wooden log, sword and knife. Due to which her

husband sustained the grievous injuries and succumbed to the death. On the basis of the said report, police have registered the crime against the present applicant. During investigation the supplementary statement of the wife of the deceased was recorded on 21.06.2024 wherein she has disclosed that at the time of the incident present applicant was holding the deceased and thereafter the other co-accused has given a blow on the person of the deceased due to which she sustained the injuries and subsequently succumbed to the death.

4. Heard learned counsel for the applicant who submitted that initially the name of the present applicant was not mentioned even his presence was also not stated by the first informant after thought the implication of the present applicant is there even accepting the same only role attributed to him of holding the deceased. Now investigation is already completed and charge-sheet is filed. The involvement of the present applicant is not in actual assault in view of that he be released on bail.

5. The learned APP strongly opposed the said application on the ground that the active role is played by the present applicant as he was holding the deceased at that time the co-accused has given a blow by means of iron rod on the head of the deceased due to which the deceased sustained the grievous injuries. Thus, considering the *prima facie* case, the application deserves to be rejected.

6. After hearing both the sides and on perusal of the investigation papers. Admittedly, in detail information

report the name of the present applicant is not mentioned. After 5–6 days her supplementary statement is recorded wherein first time she has attributed the role to the present applicant of catching hold the deceased. The statement of the eye witnesses which are recorded after 5-6 days of the incident are also on similar line. Nothing is to be recovered from the present applicant his blood stains clothes are also not seized to show that it having blood stains. Considering the limited role attributed to the present applicant, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass the following order:

- a] The criminal application is allowed.
- b] The applicant – Namdeo Mahesh Puri, shall be released on bail in connection with Crime No.410/2024 registered with Police Station Yashodhara Nagar, Nagpur for the offences punishable under Sections 302, 307, 143, 147, 148, 149 read with Section 34 of the Indian Penal Code, on executing P.R. bond of Rs. 25,000/- with one solvent surety of the like amount.
- c] The applicant shall not enter into the jurisdiction of the Yashodhara Nagar Police Station, Nagpur till culmination of the trial.
- d] The applicant shall not induce, threat or promise to any witnesses who are

acquainted with the facts of the present case.

- e] The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.
- f] The applicant shall furnish his detail address along with the address proof before the trial court.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)