



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

CRIMINAL APPLICATION (BA) NO. 389 OF 2025

Pravin @ Nattu Kisan Jawanjal 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. S.V. Sirpurkar, counsel for applicant.

Mr. Anant Ghogre, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 10/06/2025.

1. The applicant came to be arrested on 15/06/2024, in connection with Crime No. 347/2024 registered with Police Station Mehkar, District Buldhana for the offence punishable under Sections 109, 120(B), 201, 302, 506 read with Section 34 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of a report lodged by informant Raju Namdeo Nanware, on an allegation that he resides at Mali Peth Mehkar along with his family members and has three sons, namely Sagar, Pawan, and Aakash. The co-accused, Ganesh Kishor Thabde, also resides in the same area. On 27/05/2024, at about 4.00 p.m., the co-accused Ganesh came at his house and inquired about the deceased Akash. The informant inquired with the co-accused, at the relevant time the co-accused, Ganesh, threatened that he would kill Akash and then went away. Thereafter, at about 11.30 p.m. on the same day, the informant received the information that his son was assaulted by some persons behind Sailanibaba on Janefal

Road. He immediately rushed to the spot of incident and noticed that his son was lying in the injured condition. He immediately informed the same incident to the police by telephonic call. On the basis of the said report, police have registered the crime. During treatment, the injured Akash succumbed to death.

3. After registration of the crime and during the investigation, the involvement of the present applicant is revealed, and therefore, he is arrested.

4. Heard learned counsel for the applicant, who submitted that the entire case is based on one eyewitness. In the initial statement, the witness did not name the present applicant. However, in the second statement, though he named him, but no overt act is attributed to him, only the extent of his presence at the spot of incidence was noted. As far as the oral dying declaration by the deceased to the informant is concerned, wherein also no role is attributed to the present applicant. The other co-accused, namely accused Nos. 4 and 5, are already released on bail. Considering the nature of evidence appearing against the present applicant, he be released on bail, as the investigation is already completed and his further incarceration is not required.

5. Learned APP strongly opposed the said application on the ground that the motorcycle which was used in the commission of the crime was seized at the instance of the present applicant. The presence of the applicant is also noted by the eye witness at the spot of incidence. The

requisition addressed to the Chemical Analyser also shows that the bloodstains are found on the motorcycle. Thus, considering the nature of the evidence, the involvement of the present applicant reveals, in view of that, the application deserves to be rejected.

6. After hearing both sides and on perusal of the investigation papers, it reveals that the First Information Report (FIR) nowhere discloses the name of the present applicant. From the recitals of the FIR, it reveals that after the incident, the informant made an inquiry to the injured, who subsequently reported to be dead, but the injured, in his oral dying declaration, has not named the present applicant. During the investigation, statement of one eyewitness, namely Vishal Kailas Lad, was recorded. In the initial statement, the witness did not name the present applicant. However, in a subsequent statement, he named him, but no overt act is attributed to him, and his statement is only to the extent that when he was trying to elope from the spot of the incident, the present applicant came here, and thereafter, they have followed him. Thus, considering the role attributed to the present applicant, he has made out a case for grant of bail. Accordingly, I proceed to pass the following order:

ORDER

- a] The criminal application is **allowed**.
- b] The applicant – ***Pravin @ Nattu Kisan Jawanjai*** shall be released on bail in connection with

Crime No. 347/2024 registered with Police Station Mehkar, District Buldhana for the offence punishable under Sections 109, 120(B), 201, 302, 506 read with Section 34 of the Indian Penal Code, 1860, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c] The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.
- d] The applicant shall not enter into the vicinity of Malipeth, Marimata Square, Tah. Mehkar, District Buldhana till culmination of the trial.
- e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

Criminal application is **disposed of** accordingly.

[URMILA JOSHI-PHALKE, J.]