



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

CRIMINAL APPLICATION (BA) NO.409 OF 2025

(Mahadeo @ Jaggu s/o Ratan Jadhav 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. N.B. Rathod, Advocate for the applicant.
Mrs. H.N. Prabhu, A.P.P. for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 15, 2025.

By preferring this application, the applicant IS seeking bail as he came to be arrested on 10/06/2024 in connection with Crime No.250/2024 registered with Police Station Umred, District Nagpur for the offence punishable under Sections 302 read with Section 34 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of report lodged by Sunil Kawduji Jadhav on the allegation that in the intervening night of 07/06/2024 to 08/06/2024, the brother of the co-accused namely Nitesh Jadhav entered in the room of his mother, and therefore, he was manhandled by the informant and his brother and thereafter his brother went outside the house who was assaulted by the present applicant. It is further alleged that the present applicant has threatened the wife of the deceased that the deceased was eliminated on the ground of enmity. On the basis of the said report,

police have registered the crime against the present applicant and other co-accused.

3. Learned Counsel for the applicant submitted that as per the allegation the alleged incident has occurred in the intervening night of 08/06/2024 and 09/06/2024. The CCTV footage shows the presence of the present applicant with the deceased on 08/06/2024 from 7:56:17 to 07:56:36. The statement of the wife of the deceased shows that after 10.00 PM the deceased was at home. He further invited my attention towards the panchnama of seizure of the cloths which shows that no panchnama as such was drawn by the investigating agency but only the form is filled up. One dupatta of having blood stains was seized at the instance of a present applicant. He also invited my attention towards the fact that there was a call between the deceased and his wife on 09/06/2024 at about 06:22:57 AM. Thus, he submitted that there is inconsistent evidence as far as the involvement of the present applicant is concerned. Besides this type of circumstantial evidence the prosecution relied upon the extra judicial confession which is a very weak type of evidence. Unless it is corroborated by the other circumstantial evidence it cannot be accepted. He submitted that thus the involvement of the present applicant in the alleged offence itself is doubtful. Now, investigation is completed and charge-sheet is filed. Further incarceration of the applicant is not required. In view of that, the application deserves to be allowed.

4. Learned APP strongly opposed the application and invited my attention towards the statement of Mohammad Hafiz Abdul Gani Sheikh. According to him on 08/06/2024 at about 10:30 PM the deceased and the present applicant were seen together. There was quarrel between them and he alleged to have the witness the said the incident that the deceased was assaulted by the present applicant by throwing stones on his person. The alleged incident has taken place on 08/06/2024 and the statement was recorded on 13/06/2024 i.e. after four days of the incident.

5. On hearing both the sides and on perusal of the investigation papers from which it reveals that the entire case is based on the circumstantial evidence. As far as the statement of the eye-witness Mohd. Hafiz Sheikh is concerned, which is recorded on 13/06/2024 though he is resident of the same village. The circumstance that the CCTV footage wherein the presence of the present applicant was shown in the bar along with the deceased and the statement of the wife of the deceased shows that after 10.00 PM the deceased was at home. Thus, there is inconsistent evidence as far as the involvement of the present applicant is concerned. So there is substance in the contention that the involvement of the present applicant in the alleged incident itself is doubtful. Whether his involvement is there or not is a matter of evidence. At this stage, considering the nature of the investigation and considering the fact that the

investigation is already completed and charge-sheet is filed, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass the following order:

- (i) The application is allowed.
- (ii) The applicant – Mahadeo @ Jaggu s/o Ratan Jadhav in connection with Crime No.250/2024 registered with Police Station Umred, District Nagpur for the offence punishable under Sections 302 read with Section 34 of the Indian Penal Code, be released on bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.
- (iii) The applicant shall attend the concerned police station once in a month i.e. on 5th day of every month between 10.00 AM and 1.00 PM, till culmination of the trial and the Investigating Officer shall record his presence.
- (iv) The applicant shall not enter into the vicinity of village Junoni, Tahsil Umred, District Nagpur till the culmination of the trial.
- (v) The applicant shall not directly or indirectly make any inducement and threat or

promise to any person acquainted with the facts of the present case either personally or by way of electronic media.

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

(vii) The applicant shall not leave the jurisdiction of Nagpur district without prior permission of the Court.

6. The contravention of any of the condition imposed by this Court would lead to the cancellation of bail.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)