



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

CRIMINAL APPLICATION (BA) NO.431 OF 2025

Hemant Dalsu Narote and another
Vs.

State of Maharashtra, through Police Station Officer, Sub-Police Station
Pendhari, District Gadchiroli

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

Court's or Judge's orders

Mr. M. A. Deo, Counsel for the applicants.
Ms. Shamsi Haidar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/06/2025

1. The applicants came to be arrested on 21.05.2023 in connection with Crime No.7/2023 registered with Sub-Police Station, Pendhari, District Gadchiroli for the offence punishable under Sections 143, 147, 302, 201 504 and 506 read with Section 149 of the Indian Penal Code.

2. Heard learned Counsel for the applicants who submitted that as per the prosecution case, the information is lodged by the wife of the deceased on 21.05.2023, alleging that on 13.05.2023 at about 9.00 p.m., the informant along with her husband were present in their house and they were called for meeting. In the said meeting, there was hot exchange of words between her husband and other villagers and other villagers have assaulted her

husband. As far as the present applicants are concerned, it was alleged that they have assaulted the deceased by means of fist and kick blows. With the similar allegations, the other co-accused are already released on bail by this Court, therefore, on the ground of parity, the applicants are claiming to be released on bail. He submitted that on the basis of the report, police have registered the crime against the present applicants. Now the investigation is already completed, charge-sheet is already filed and further incarceration of the present applicants is not required, considering the limited role attributed to them. In view of that, the application deserves to be allowed.

3. Learned APP strongly opposed the said application and submitted that in furtherance of the common intention, the deceased was assaulted by the present applicants and the other co-accused and the death of the deceased was caused. In view of that, the application deserves to be rejected.

4. On hearing both the sides and on perusal of the investigation papers, it reveals that there is no dispute as to the fact that the alleged incident has occurred in a sudden quarrel. As far as the role of the present applicants is concerned, which is to the extent that in furtherance of the common object of the unlawful assembly, they have assaulted the deceased by fist and kick blows. Even considering

that there was a common object, the role attributed to the present applicants is only to the extent of assault by fist and kick blows and no weapon is used by them. Considering the role attributed to the present applicants and now the investigation is completed and charge-sheet is filed, further incarceration of the present applicants is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **No.(1) Hemant Dalsu Narote and No.(2) Lomesh Alsu Narote** shall be released on bail in connection with Crime No.7/2023 registered with Sub-Police Station, Pendhari, District Gadchiroli for the offence punishable under Sections 143, 147, 302, 201, 504 and 506 read with Section 149 of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.
- (iii) The applicants shall not enter into the vicinity of Hadapeth, Taluka Dhanora, District Gadchiroli, till the culmination of trial.
- (iv) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- (v) The applicants shall not indulge themselves in similar type of the activities.

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

(vii) The contravention of any of the conditions would lead to the cancellation of the bail.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)