



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

CRIMINAL APPLICATION (BA) NO. 447 OF 2025

(Ajay Sanjay Salunke Vs. State of Maharashtra)

WITH

CRIMINAL APPLICATION (BA) NO. 448 OF 2025

(Vishal Sambaji Rawate 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. Satyavrat Joshi, counsel with Mr. Aashish Rajesh Fule, counsel for applicants.

Mr. C.A. Lokhande APP for non-applicant/State.(BA 447/2025)

Mr. M.J.Khan, APP for non-applicant/State (BA 448/2025)

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 14/08/2025.

1. Both the applicants preferred an applications for grant of bail filed under Section 483 of Bhartiya Nagrika Suraksha Sanhita, 2023 in connection with Crime No. 308 of 2023 registered at Police Station Khandala, District Yavatmal for the offence punishable under Section 302 and 365 read with Section 34 of Indian Penal Code, 1860; and Section 299 of the Code of Criminal Procedure. The applicants came to be arrested on 08/07/2023.

2. The crime is registered on the basis of a report lodged by one Arun Devisingh Rathod, who alleged that he has two brothers namely Dilip and Niranjn; his younger brother, Niranjn Rathod, had taken a sum of Rs. 5 to 6 Lakhs from Raju Babbar for the sugarcane factory three to four years ago. Some

amount was already repaid, but in an attempt to recover the balance amount, the said Raju Babbar visited his village and issued threats to the Niranjan. It is further alleged that on 07/07/2023 between 11.30 a.m. to 12.00 noon, while he was sitting at home, his younger brother Niranjan and Niranjan's wife, Anita Rathod, were also present in the house. At that time, Raju Babbar, accompanied by four to five unidentified persons, arrived in a vehicle and forcefully tried to abduct Niranjan and dragged him into the vehicle. As the deceased intervened in the same by shouting for help, Arun woke up and came out of the house; he saw his mother, Devikabai, trying to rescue Niranjan from the clutches of the assailant. The accused persons assaulted Niranjan and continued forcing him into the vehicle. When Anita intervened to rescue her husband, she was assaulted with the sickle, and the allegation against the applicant- Ajay Salunke, is that he gave a blow of sickle on the head, whereas the other applicant, Vishal, gave a blow on the vital part of the body on the chest, due to which she sustained the grievous injuries and succumbed to death. On the basis of the said report, police have registered the crime against the present applicants.

3. Heard learned counsel for the applicants, who appeared through video conferencing and submitted that as far as the role of the present applicants is concerned, applicant Ajay Saluke is assigned with the

role of assault on her head i.e. non-vital part of the body, and only one blow was given. The injuries sustained by the deceased due to the blow given by Ajay Salunke is CLW of 5 x 20 x 20 cm over the right elbow region. Thus, that injury did not contribute to the death of the deceased. Moreover, the applicants have been behind bar since the date of arrest i.e. 8/07/2023. There is no progress in the trial, and therefore, on the grounds of long incarceration also, the applicants deserves to be released on bail.

4. He further submitted that the liberty was granted to file an application after chemical analyzer reports are filed. Till today, the prosecution has not filed any chemical analyzer reports. The applicants cannot be kept behind bar for an indefinite period, in view of that, the applications deserves to be allowed.

5. Learned APP in both the applications strongly opposed the said applications on the ground that in furtherance of common intention, the present applicants came along with the co-accused, gave a blow of sickle on the vital part of the body of the deceased, and caused the death of the deceased. The statements of the eyewitnesses, which are direct evidence against the present applicants and are corroborated by circumstantial evidence, clearly show the involvement of the applicants in the alleged offence. Considering the gravity of the offence, the application deserves to be

rejected; accordingly, they prayed for rejection of the application.

6. On hearing both sides and on perusal of the investigation papers, the allegation against the present applicants is that they came along with the other co-accused by holding weapons in their hands to recover the amount from the husband of the deceased. The said incident was witnessed by the eyewitnesses, who are the family members of the deceased. The statements of the eyewitnesses show that the husband of the deceased was attempted to be taken by abducting him, and the deceased intervened at the same time. At that time, both the applicants, who were holding the weapons i.e. sickle and knife, in their hands, assaulted the deceased. As far as the applicant – Vishal Rawate is concerned, who has given a forceful blow on the chest of the deceased, due to which she sustained the grievous injuries and succumbed to death. The cause of death of the deceased is due to hemorrhagic shock due to stab injuries to the right kidney and other multiple injuries. Thus, the blow given by applicant - Vishal Rawate directly caused the death of the deceased. As far as the applicant – Ajay Salunke, is concerned, the one blow is attributed to him i.e. also on hand, and was not the ultimate cause of the death of the deceased.

7. Another ground raised in the application is that there is inordinate delay. Admittedly, as the chemical analyzer reports are not filed and therefore,

the trial could not be commenced. The report of the District Judge shows that the matter is already kept for hearing before the charge, in view of Section 226 of the Cr.P.C.. Now, the chemical analyzer's report is also filed, and therefore the trial can be commenced at any stage.

8. The Roznama dated 29/07/2025 only shows that the copies of the chemical analyzer reports are handed over to the defence counsel. The learned trial Court shall frame the charge by securing the presence of the accused before it by preponing the matter and shall proceed with the trial expeditiously.

9. In view of the above discussion, the prayer for releasing the applicant in Criminal Application (BA) No. 447 of 2025 - Ajay Sanjay Salunke, deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order.

- a] The criminal application is **allowed**.
- b] The applicant – ***Ajay Sanjay Salunke***, shall be released on bail in connection with Crime No. 308 of 2023 registered at Police Station Khandala, District Yavatmal for the offence punishable under Sections 302 and 365 read with Section 34 of Indian Penal Code, 1860; and Section 299 of the Code of Criminal Procedure, on executing P.R. bond of Rs. 1,00,000/- 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 Pusad except attending the proceedings before the Court till the culmination of the trial.
- e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either physically or through electronic media.
- f] The applicant shall cooperate with the Court to dispose of the trial at the earliest.
- g] The prayer of ***Vishal Sambaji Rawate*** in Criminal Application (BA) No. 448/2025 is hereby **rejected**.
- h] The trial Court shall frame the charge expeditiously and shall dispose of the trial expeditiously.

The criminal applications are **disposed of**.

[URMILA JOSHI-PHALKE, J.]