



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

CRIMINAL APPLICATION (BA) NO.453 OF 2025

Gaurav Shyam Pande

Vs.

State of Maharashtra, through Police Station Officer, Wadgaon Jungle
District Yavatmal

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

Court's or Judge's orders

Mr. M. N. Ali, Counsel for the applicant.

Mr. D. V. Chauhan, Public Prosecutor a/w Mr. N. B. Jawade, APP for
non-applicant/State.

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

1. The applicant came to be arrested on 20.05.2025 in connection with Crime No.156/2024 registered with Police Station Wadgaon Jungle District Yavatmal for the offence punishable under Sections 302, 120-B, 449, 452 read with Section 34 of the Indian Penal Code and under Section 4/25 of the Arms Act.

2. The crime is registered on the basis of report lodged on 16.05.2024 on an allegation that the deceased was possessing six acres agricultural land at Yewati Shivar. Father of the deceased i.e. the complainant had taken hand loan of Rs.1,00,000/- from the co-accused for marriage of his son which was returned by the complainant. The complainant further stated that accused No.1 threatened the

informant and his son to kill them if he did not sell his land to him. The complainant further alleged in his complaint that on 15.05.2024 the accused No.1 along with other co-accused had been to the house of informant and threatened him to kill the entire family if he fails to execute the sale deed. At that time, co-accused No.4 having carried one Sattur (weapon) in his hand. But the complainant has not lodged a report as he got scared. On 16.05.2024 the deceased and his mother had been to carry out the agricultural operations in their field and the deceased returned at home about 9.30 a.m to 10.00 a.m. for taking food. When the complainant was returned at 4.00 p.m to his house from Yavatmal, at that time, he found that his son is murdered and lying in a pool of blood. By making several allegations, the report was filed.

3. Heard learned Counsel for the applicant who submitted that except the statement of the co-accused, there is no other material evidence against the present applicant to connect him with the alleged offence. Even taking into consideration the said statement of the co-accused, except the presence of the present applicant at the spot of incident, no other overt act is attributed to him. Now the investigation is already completed, charge-sheet is already filed and further incarceration of the present application is not required. In view of that, he be released on bail.

4. Mr. Chauhan learned Public Prosecutor for the State strongly opposed the said application and submitted that there are criminal antecedents of the similar nature. The statement of the co-accused which is in the nature of the disclosure statement, the involvement of the present applicant reveals, in view of that, the application deserves to be rejected.

5. After hearing both the sides and on perusal of the investigation papers, admittedly, except the statement of the co-accused as to the discovery of the fact, no other material evidence is against the present applicant. Even accepting the statement as it is, except the presence of the present applicant, no other specific role is attributed to him, and no overt act is also attributed to him. Now the investigation is already completed, charge-sheet is already filed and further incarceration of the present applicant is not required. As far as the criminal antecedent is concerned, which is not sufficient to reject his prayer for grant of bail, however, some stringent conditions are requires to be imposed. 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 **Gaurav Shyam Pande** shall be released on bail in connection with Crime No.156/2024 registered with Police Station Wadgaon Jungle, District Yavatmal for

the offence punishable under Sections 302, 120-B, 449, 452 read with Section 34 of the Indian Penal Code and under Section 4/25 of the Arms Act, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter into the vicinity of village Warud, Taluka and District Yavatmal, till the culmination of trial.

(iv) The applicant shall not involved himself in similar type of the activities.

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

(vi) The applicant shall also attend the concerned Police Station i.e. Wadgaon Jungle twice in a month on 1st and 15th of every month till the culmination of trial.

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

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)