



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

CRIMINAL APPLICATION (BA) NO.466 OF 2025
(Abhijitsingh Ajitsingh Rajput 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, Advocate for the applicant.
Mr. A.M. Ghogare, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MAY 9, 2025.

Heard.

2. By this application, the applicant is seeking bail as he came to be arrested on 01/10/2024 in connection with Crime No.213/2024 registered with police station Malkapur Rural, District Buldhana for the offence punishable under Sections 109, 125, 118(1), 118(2), 126(2), 189(2), 190, 191(2), 191(3), 324, 351(2), 351(3) and 61(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The crime is registered on the basis of report lodged by Mahendrasingh Shivilsingh Rajput on an allegation that there was a dispute between his family members and the accused on account of construction on a drainage and on that count he as well as his father were assaulted by the present applicant and the other co-accused by means of iron rod due to which they both have sustained the fracture injuries. On the basis of the

said report, police have registered the crime against the present applicant.

4. Learned Counsel for the applicant submitted that as far as the role of the present applicant is concerned which is to the extent that the assault by the iron rod on the non-vital part of the body, in view of the statement of the injured. He submitted that now investigation is completed and charge-sheet is filed. Though father of the informant succumbed to the death but his death is not due to the injuries on his leg. Thus, he submitted that now considering the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required. Hence, the applicant be released on bail.

5. Learned APP strongly opposed the application on the ground that the applicant is the member of an unlawful assembly and in furtherance of the common object of that assembly, he has assaulted the informant as well as the deceased due to which the death of the deceased is caused. In view of that, the application deserves to be rejected.

6. I have heard learned Counsel for both the parties. Perused the investigation papers especially the statements of the witnesses from which it reveals that there is a variance in the statement of the informant as well as the statements of the other witnesses. As per the recitals of the FIR, present applicant has assaulted by

means of iron rod on the legs of the father of the informant whereas the statement of the injured and other witnesses shows that he was assaulted by the present applicant by means of iron rod on his legs. Even accepting the statements as it is, the involvement of the present applicant though reveals but considering now investigation is completed and charge-sheet is filed and the death of the deceased is not due to the injuries which are caused by the present applicant. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Abhijitsingh Ajitsingh Rajput in connection with Crime No.213/2024 registered with Police Station Malkapur Rural, District Buldhana for the offences punishable under Sections 109, 125, 118(1), 118(2), 126(2), 189(2), 190, 191(2), 191(3), 324, 351(2), 351(3) and 61(2) of the Bharatiya Nyaya Sanhita, 2023, be released on bail, on executing P.R. 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 Datala, Taluka Malkapur, District Buldhana till culmination of the trial.

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

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

(vi) The applicant shall furnish his detailed address wherein he is intending to reside after he is released on bail along with address proof.

7. The contravention of any of the condition would lead to the cancellation of bail.

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*