



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

CRIMINAL APPLICATION (BA) NO. 494 OF 2025

Vitthal @ Ravinavnath Kamble 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. M.V.Rai, counsel for applicant.

Mr. Amit Madiwale, APP for non-applicant/State

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 11/07/2025.

1. The applicant came to be arrested on 18/10/2024 in connection with Crimje No. 10/2024 registered with Police Station Pittiguda (Nandpa), District Chandrapur for the offence punishable under Sections 118(2), 351 (2), 352, 103(1) of Bhartiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of a report lodged by the sister-in-law of the deceased. On an allegation that on 16/10/2024, there was an altercation between the present applicant and her brother-in-law. During the altercation, the present applicant allegedly assaulted him by means of slaps and subsequently gave a blow by his hand, and at the relevant time, he was wearing a Kada, and therefore, he received a head injury, which resulted in his death. On the basis of the said report, police have registered the offence against the present applicant.

3. Heard learned counsel for the applicant, who submitted that the injuries were caused in a sudden fight and sudden quarrel, there was no intention, and the present applicant was not armed with any weapon. Therefore, the act of the present applicant would be covered under Section 304 of IPC Part-I or Part-II. There was no intention to commit any offence or to commit the murder and to cause the death of the deceased. Whatever happened in the sudden fight and sudden quarrel. In view of that, the applicant be released on bail as the investigation is completed.

4. Learned APP strongly opposed the said application and submitted that the intention of the present applicant can be gathered from the surrounding circumstances, as he has given a blow on the vital part of the body, which resulted into death of the deceased. In view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it reveals that there was a scuffle between the applicant and the deceased, and in that scuffle, the applicant has given a blow. Admittedly, the applicant was not armed with any weapon, whatever happened in a sudden fight and sudden quarrel.

6. Learned counsel placed reliance on the order passed by this Court in Criminal Application No. 1171/2023, wherein this Court has considered this aspect and released the applicant on bail. In the present

case also, the applicant who was wearing a Kada in his hand, and blow was given by that Kada, which resulted into the death of the deceased. At this stage, whether the act constitutes culpable homicide amounting to murder or not will be determined based on evidence. At this stage, considering the investigation is completed, there was no repetition of the Act, and the further custodial interrogation of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] Criminal application is **allowed**.
- b] The applicant – ***Vitthal @ Ravinavnath Kamble*** shall be released on bail in connection with Crimje No. 10/2024 registered with Police Station Pittiguda (Nandpa), District Chandrapur for the offence punishable under Sections 118(2), 351 (2), 352, 103(1) of Bhartiya Nyaya Sanhita, 2023, on executing PR. Bond of Rs. 50,000/- with one solvent surety in the like amount.
- c] The applicant shall not enter into the vicinity of village Mathali Tq. Jivati, District Chandrapur till culmination of the trial.

- d] The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.
- e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

Criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]