



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

CRIMINAL APPLICATION (BA) NO. 594 OF 2025

Jitendra s/o Pundalik Hadau 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. C.R. Thakur, counsel for applicant.

Mr. Anant Ghonge, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 30/06/2025.

1. The applicant came to be arrested on 26/07/2024 in connection with Crime No. 410/2024 registered with police station Yashodhara Nagar, Nagpur for the offence punishable under Sections 143, 147, 148, 201, 302, 307 read with Section 149 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of a report lodged by wife of the deceased on an allegation that on 18/06/2024, at about 10.30 to 11.00 p.m., there was a quarrel between the deceased and the deceased was assaulted the other residents in the area, i.e., Gosavi Akhada Road. On 19/06/2024, the report was lodged regarding the said incident. It is further alleged that the present applicant and the other co-accused formed the unlawful assembly and assaulted the deceased on 18/06/2024. In the said incident, the deceased sustained grievous injuries and succumbed to death. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant, who submitted that the CCTV footage shows the nature of the incident and demonstrates how it occurred. The CCTV footage discloses that it was the deceased who came along with the weapon at the spot of the incident and assaulted the present applicant, and the present applicant sustained the fracture injuries in the said incident. The CCTV footage nowhere shows that the applicant is holding a weapon in his hand. At the most, it can be said that to save himself from the deceased, the present applicant has pushed him, and no other role is attributed to him. He submitted that now the investigation is already completed, and the applicant exercises the right of private defence and therefore, the applicant be released on bail.

4. Learned APP strongly opposed the said application and submitted that not only the informant but also the eyewitnesses disclosed the role of the present applicant in assaulting the deceased. Considering the gravity of the offence, the deceased has sustained grievous injuries and succumbed to death. Due to the said injury, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveal that the death of the deceased is due to the head injury. Admittedly, said head injury is not attributed to the present applicant. The vital evidence is the CCTV footage, which shows that it was the deceased who came along with the weapon at the spot of the incident and

was assaulting the present applicant by means of the weapon. The CCTV footage nowhere shows that present applicant was holding any weapon in his hand and caused any injury to the deceased. Thus, considering the entire scenario of the incident, it reveals that the applicant has exercised his right of private defence and assaulted the deceased to save himself. Now, investigation is already completed, and the charge-sheet is already filed. Considering the facts and circumstances of the above case, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass the following order.

- a] Criminal application is allowed.
- b] The applicant – *Jitendra s/o Pundalik Hedau* shall be released on bail in connection with Crime No. 410/2024 registered with police station Yashodhara Nagar, Nagpur for the offence punishable under Sections 143, 147, 148, 201, 302, 307 read with Section 149 of the Indian Penal Code, 1860, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall not enter into the jurisdiction of Yashodhara Nagar Police Station, till culmination of the trial.
- d] The applicant shall furnish his detail address along with the address proof wherein he is

intending to reside after he is released on bail.

- e] The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances and cooperate with the court to conclude the trial.
- f] 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.]