

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

CRIMINAL APPLICATION (BA) NO. 1011/2025

Rohit s/o. Krushnarao Magar Vs. State of Maharashtra

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

Court's or Judge's orders

Mr. Anil Mardikar, Sr.Advocate a/b. Mr. Digvijay Singh, Advocate for
 the Applicant.

Mr. N. R. Rode, A.P.P. for the Non-applicant/State.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 13/10/2025.

. Heard.

2. The applicant is arrested in Crime No.690/2025 registered with Police Station, Awadhutwadi, District Yavatmal for the offences punishable under Sections 109(1), 189(2), 190, 191(2), 191(3) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The complainant, who is the father of the injured had lodged the complaint on 05.05.2025 and stated that on receiving phone call of his neighbourer, he was informed that his son has been assaulted and beaten by the present applicant and other co-accused with knife. The co-accused, who was also running a shop of egg rice along with his son. The complainant approached the spot of incident wherein the son Pratik was lying in an injured condition and had suffered a severe head injury on the back side of head, so also the stab wound on the back and left side of stomach and was bleeding profusely. Injured informed him that the present applicant assaulted with the help of sharp edged knife on his head i.e. sickle.

4. The learned Counsel for the applicant has stated that, the accused No.1 is the father of the applicant, who is already released on bail. The person, who has used the knife is in jail. Injured is discharged. The CCTV footage shows that the hotel of the father of the applicant was ransacked by this injured. The First Information Report was lodged by the mother of applicant. There is delay in filing the said FIR which was duly justified. The incident narrated in the statement is inconsistent facts along with the statement of the witnesses and therefore, the incident itself is doubtful. As the sickle and the knife is recovered from the accused No.3 i.e. Dipak. There are no blood stains on the clothes of this applicant. Hence, prayed to release the applicant on bail.

5. The learned A.P.P. opposed the application stating that this applicant has assaulted with sickle. The grievous injury is there. There is every possibility that due to earlier incident, this incident occurred and as the grievous injury was there, the offence is registered. The sickle is recovered from the accused. Hence, prayed to reject the application.

6. Heard both the learned Counsel for the respective parties.

7. The earlier incident of ransacking the hotel of the applicant is there. The statement of Pratik, who was injured in the present case and on the spot creates doubt as there is an inconsistency in the statement of this victim. As the injured is already discharged and the knife is

recovered, the custody of this applicant is not required. Since last one year the applicant is in jail.

8. Considering the role of this applicant, the applicant deserves to be released on bail. Accordingly, I proceed to pass the following order :

- i] The criminal application is allowed.
- ii] The applicant shall be released on bail in connection with Crime No.690/2025 registered with Police Station, Awadhutwadi, District Yavatmal for the offences punishable under Sections 109(1), 189(2), 190, 191(2), 191(3) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- iii] The applicant shall not in any way tamper with the prosecution evidence.
- iv] The applicant shall not pressurize or threaten the prosecution witnesses.
- v] The applicant shall attend the concerned Police Station whenever called by the Investigating Officer.
- vi] The applicant shall not enter the vicinity of Yavatmal city until the conclusion of the trial except for attending the trial.

vii] The applicant shall co-operate the Investigation Officer.

The Criminal application is disposed of accordingly.

(MRS. VRUSHALI V. JOSHI, J.)