



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

CRIMINAL APPLICATION (BA) NO. 1080 OF 2024

Shankar s/o Prakash Khule 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. A.M.Jaltare, counsel for applicant.

Mrs. Swati Kolhe, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01/04/2025.

1. The present application is preferred by the applicant for grant of bail in connection with Crime No.166/2024 registered with Police Station Washim (Rural) for the offence punishable under Sections 143, 147, 148, 302, 326, 324 read with Section 149 of the Indian Penal Code, 1860.

2. The applicant was arrested on an allegations made by the Uttam Subhash Bajad, who is the deceased, reported on 25/03/2024 that he, along with his other friends, was celebrating a Holi party in an agricultural field, at that time, Sunil Thakur, along with the present applicant and other co-accused, came there, and there was a quarrel between them on account of a hand loan quarreled by the informant. On that count, the present applicant and the other co-accused assaulted him as well as the other prosecution witnesses, and the informant who sustained the grievous injuries died after three days. On the basis of his statement, the crime was registered and

converted under Section 302 of the Indian Penal Code, 1860.

3. Heard learned counsel for the applicant, who submitted that the name of the present applicant is narrated by all the witnesses. However, as far as the death of the deceased is caused, which is due to the head injury, which is not attributed to the present applicant, it is attributed to the other co-accused, Sunil Thakur.

4. He invited my attention towards various statements of the witnesses and submitted that the allegation against the present applicant is that he assaulted one injured witness, Jayaraj, on his head, and he sustained grievous injuries. But now, said Jayaraj, was discharged from the hospital. Though he has sustained grievous injuries, now there is no apprehension of death. The investigation is already completed, the charge-sheet is already filed, and further incarceration of the present applicant is not required. In view of that, he be released on bail.

5. Learned APP strongly opposed the said application and submitted that the stick was recovered at the instance of the present applicant. The statements of the eyewitnesses show the specific role attributed to the present applicant. Considering that death of the deceased was caused by all the accused in furtherance of their common object, the application deserves to be rejected.

6. On hearing both sides and perusal of the investigation papers, it reveals that the role attributed to the present applicant is assault on their act, who has sustained grievous injuries on his head, but now he is already discharged from the hospital, and there is no apprehension of death as far as the injured Jayraj is concerned. Admittedly, the deceased has sustained the 15 injuries on his person, but death of the deceased is due to a head injury, which is not attributed to the present applicant. Considering that, the investigation is already completed and the charge-sheet is filed, further incarceration 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] The criminal application is allowed.
- b] The applicant – Shankar s/o Prakash Khule shall be released on bail in connection with Crime No.166/2024 registered with Police Station Washim (Rural) for the offence punishable under Sections 143, 147, 148, 302, 326, 324 read with Section 149 of the Indian Penal Code, 1860, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c] The applicant shall not enter into the vicinity of village Kothekarwadi till culmination of the trial.
- d] The applicant shall attend the proceedings before the Sessions 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.

7. The criminal application is **disposed of**

[URMILA JOSHI-PHALKE, J.]