



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

CRIMINAL APPLICATION(BA) NO.1129 OF 2025

Rajendra Ramkumar Shahu Vs. State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.R.M.Daga,counsel for the applicant.
Mr.Vinod Thakare,APP for the State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 05/12/2025

1. The applicant is arrested in Crime No. 654 of 2024 for the offence punishable under Sections 118(1),109,103,3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The allegations are made that the applicant along with co-accused beat the deceased and he found lying on the road and he was taken to the hospital and after nine days he died. Name of this applicant is mentioned in the FIR. After nine days, the applicant is arrested.

3. The learned counsel for the applicant has stated that there is one eye witness. His statement was recorded after two months, he has mentioned the name and role of

this applicant. In his statement recorded under Section 164 of the Code of Criminal Procedure, he has denied that he had seen anything. On the basis of the statement made by the wife of the deceased, the name of this applicant is mentioned in the FIR, but the statement of the complainant does not disclose the name of this applicant. Two co-accused are already released on bail. Only on suspicion, the applicant is arrested. Hence, prayed to release him on bail.

4. The learned APP has opposed the application stating that there is recovery. The allegations are made that the applicant has committed theft in the pan shop of this applicant and therefore, he had assaulted the deceased. The Post-mortem report shows that he died due to said injuries. The statement of the deceased was not recorded. He was not in a condition to give the statement. Considering, the role played by this applicant, prayed to reject the present application.

5. Heard both the sides and perused the record.

6. Though, this is case of direct evidence, the statement of the eye witness is recorded after two months, and he has not supported his statement recorded under Section 164 of the Criminal Procedure Code. The wife of the deceased though has initially taken the name of this

applicant, not mentioned the name of this applicant in her statement recorded under Section 164 of the Code of Criminal Procedure. Considering the circumstances, the case is made out to release the applicant on bail. Hence, I pass the following order:

- i) The Criminal application is allowed.
- ii) Applicant – Rajendra Ramkumar Shahu be released on bail in Crime No. 654 of 2024 for the offence punishable under Sections 118(1), 109, 103, 3(5) of the Bharatiya Nyaya Sanhita, 2023 on his furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with solvent surety in the like amount before the trial Court.
- 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 co-operate the learned trial judge in the conduct of the trial.

7. The Criminal Application stands disposed of accordingly.

JUDGE