



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

CRIMINAL APPLICATION (BA) NO. 1211/2025

Rahul s/o. Sham Hazare Vs. The 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. S. P. Sonwane, Advocate for the Applicant.
Mr. U. Phasatte, A.P.P. for the Non-applicant/State.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 11/12/2025.

. Heard.

2. The applicant is arrested in connection with Crime No.293/2025 for the offence punishable under Sections 105 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. It is the case of the prosecution that the father of the deceased has lodged the complaint that his son was not returned to home for 7 to 8 days. He was in habit of consuming liquor. On the day of incident, he received the information from his friend that he is lying in front of Ajani Police Station. The first informant went there and took him to home and gave him coconut water. Thereafter, when they found that he is not well, he was taken to hospital and the doctor declared him dead. On the statement made by the friend of the deceased that when they were coming back from their flower decoration work, the applicant along with one Sonu met them on the way and asked for Kharra, the deceased though was having it, not given it to them. The allegations are made that this applicant had given fist blow on his stomach and other co-accused has assaulted with bracelet i.e. Kada on his head. Thereafter, he was lying on the road. On the basis of the

said statement, the crime is registered. The applicant was taken in custody.

4. The learned Counsel for the applicant has stated that before death, after the said incident of assault by both of them, the deceased himself went to the Police Station, Ajani and gave a report. In said report, he has mentioned the name of other co-accused and assault by him only. N.C. is registered. The name of this applicant is not mentioned by the deceased himself. Considering the N.C. registered against the co-accused and the deceased himself has not mentioned the name of this applicant, prayed to release the applicant on bail.

5. Learned A.P.P. opposed the application stating that because of said assault, the applicant died. The assault by both of them and, therefore, this is not a case to release the applicant on bail. Hence, prayed to reject the application.

6. Heard the learned Counsel for the applicant and the learned A.P.P. for the State.

7. On the basis of the statement of the friend of the deceased, the crime is registered. The role mentioned by the friend of the deceased is that this applicant has given the fist blow on the stomach of the deceased and the other co-accused has assaulted on his head. The cause of death is head injury. The deceased was in habit of consuming liquor and he was not at home for 8 days prior to his death.

8. Considering the allegations made against this applicant and as the deceased has not mentioned the name of this applicant when the N.C. was registered, the case is

made out to release the applicant 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.293/2025 for the offence punishable under Sections 105 and 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 on every Monday and Saturday between 1:00 p.m. to 2:00 p.m.
- vi] The applicant shall co-operate the investigation officer.

The Criminal application is disposed of accordingly.

(MRS. VRUSHALI V. JOSHI, J.)