



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.1176 OF 2024

(Vilas s/o Muru Narote 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. R.S. Bhalerao, Advocate for the applicant.
Mr. M.J. Khan, APP for the State.

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

By this application, the applicant is seeking bail as he came to be arrested on 21/05/2023 in connection with Crime No.07/2023 registered with Police Station Pendhari, District Gadchiroli for the offences punishable under Sections 302, 201, 143, 147, 504, 506 read with Section 149 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by the wife of the deceased namely Sarita Umesh Narote alleging that on 13/05/2023 at about 9.00 PM when she was at her house along with her husband, at the relevant time, a meeting was called in her village by beating drums in regards to the electric light pole of the village. The complainant along with her husband attended the said meeting. During the said meeting, it is alleged that her husband has committed the theft of god idols. On this count all the villagers started assaulting him and in the said assault, the present applicant has also assaulted

him by means of fist and kick blows which resulted into his death. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the applicant is concerned, general allegation is made against him. No weapon is attributed to him. The death of the deceased as per the postmortem report is due to head injury which is not attributed to the present applicant. Now, the investigation is completed and charge-sheet is filed, further incarceration of the applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the application and submitted that in furtherance of the common object all the accused have assaulted the deceased which resulted in his death, and therefore, *prima facie* case is made out against the present applicant. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that the death of the deceased is caused due to the head injury. The said head injury is attributed to the other accused i.e. Wasudeo and Deo who assaulted the deceased by means of stone and stick. As far as present applicant is concerned, general allegation is made against him. The co-accused with the similar role is already released on bail

by this Court. In view of that, ground of parity is also available to the present applicant. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Vilas s/o Muru Narote in connection with Crime No.07/2023 registered with Police Station Pendhari, District Gadchiroli for the offences punishable under Sections 302, 201, 143, 147, 504, 506 read with Section 149 of the Indian Penal Code, be released on bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case either personally or by way of electronic media.

(iv) The applicant shall not enter into the vicinity of village Hadapeth, Taluka Dhanora, District Gadchiroli till culmination of the trial.

(v) The applicant shall attend the proceedings before the Sessions Court

without seeking any exemption unless there are exceptional circumstances.

6. The contravention of any of the condition imposed by this Court would lead to cancellation of bail.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*