



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

**CRIMINAL APPLICATION (BA) NO.1218 OF 2024**  
(Gurudas s/o Naktu Pimple 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.C. Jaltare, Advocate for the applicant.  
Ms R.V. Sharma, A.P.P. for the State.

**CORAM:- URMILA JOSHI-PHALKE, J.**  
**DATED :- MARCH 11, 2025.**

Heard.

2. By preferring this application, the applicant seeking bail as he came to be arrested on 06/07/2024 in connection with Crime No.296/2024 registered with Police Station Mul, District Chandrapur for the offence punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Learned Counsel for the applicant submitted that as per the allegation levelled in the report lodged by Sheshrao Vithoba Bodalkar that he and the present applicant are the neighbours and there was a quarrel between them on the day of incident i.e. on 06/07/2024 on account of some electric service work and during the said quarrel the other co-accused brought axe in his hand and present applicant hold the deceased and thereafter, the other co-accused has given a repeated blows on his

person due to which deceased fallen in the pool of blood and succumbed to the death. He submitted that as far as the role of the present applicant even considering the statements of the eye-witnesses shows that only to the extent of holding the deceased. At this stage, the intention cannot be attributed to the present applicant as nothing is on record to show that the present applicant was having knowledge that his son will come along with the axe in his hand and will cause the death of the deceased. Now, the investigation is already 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 on the ground that with the common intention, the death of the deceased is caused by the present applicant and other co-accused. Though investigation is completed there is apprehension of the repetition of the similar incident. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides and on perusal of the recitals of the FIR and the statements of the eye-witnesses, the major role is attributed to the co-accused i.e. son of the present applicant who has given the repeated blows of the axe on the person of the deceased. As far as present applicant is concerned, his presence and he was holding the deceased are the allegations. Considering the nature of the

allegations and investigation is already completed, further incarceration of the applicant is required. Whether there was a common intention or not is a matter of evidence. At this stage, considering the role attributed to the present applicant, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Gurudas s/o Naktu Pimple in connection with Crime No.296/2024 registered with Police Station Mul, District Chandrapur for the offence punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, 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 enter into the vicinity of village Mul, District Chandrapur till culmination of the trial.

(iv) 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.

(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 the cancellation of bail.

7. The application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**

*\*Divya*