



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

CRIMINAL APPLICATION (BA) NO.1222 OF 2024

Sandesh s/o Ulhas Jadhav

Vs.

State of Maharashtra, through Police Station Officer, Ansing,
District Washim

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. M. Jaltare, Counsel for the applicant.
Ms. H. N. Prabhu, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03/03/2025

1. The applicant came to be arrested on 23.07.2024 in connection with Crime No.165/2024 registered with Police Station, Ansing, District Washim for the offence punishable under Sections 143, 147, 148, 323, 324, 302, 504 and 506 read with Section 149 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of report lodged by Janardan Chavhan alleging that on 14.06.2024 at about 7.30 a.m., his brother along with the wife of the informant had been to the agriculture field. At the relevant time, the present applicant along with the other co-accused, entered their field and abused them on an allegation that they had kept the stones on the boundary of the of their agriculture field. It is further

alleged that the present applicant and co-accused assaulted his brother by means of fist and kick blows, and the co-accused Dhiraj and present applicant have given a blow of spade on the head of the deceased. On the basis of the said report, police have registered the crime against the present applicant. During the investigation, the Investigating Officer recorded the statements of the relevant witnesses. After investigation, the charge-sheet is filed.

3. Heard learned Counsel for the applicant, who submitted that considering the role attributed to the present applicant which is only to the extent of caught hold to the deceased. The blow of spade was given by the another accused. Thus, present applicant has not caused the death of the deceased, but he only caught hold the deceased. Now the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required.

4. Learned APP strongly opposed the said application and submitted that in furtherance of the common object, the present applicant and the other co-accused chased the deceased, thereafter present applicant caught hold him and the other co-accused dealt a blow by spade on his head, due to which, the death of the deceased is caused.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the investigation papers from which it reveals that initially there was a quarrel in the agricultural field, thereafter the deceased rescued himself from the clutches of the present applicant and the other co-accused and ran away from the spot of incident, but the present applicant and other co-accused chased him and the present applicant caught hold him, and thereafter, the other co-accused has dealt a blow of spade on the head of the deceased. Thus, from this sequence of the events, it reveals that with an intention to cause the death of the deceased, he was chased by the present applicant and other co-accused and other co-accused has dealt a blow of spade on the vital part of the body, after the present applicant has caught hold him. Thus, considering the *prima facie* material against the present applicant, at this stage, no case is made out for grant of bail. Considering the gravity of the offence, the application deserves to be rejected. In view of that, I proceed to pass following order:

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)