



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

CRIMINAL APPLICATION (BA) NO.20 OF 2025

(Piyush @ Chhotu s/o Sundar Lilhare and anr. 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 a/w Mr. S. Umredkar, Advocate for the applicants.
Mr. V.A. Thakare, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- FEBRUARY 11, 2025.

By this application, the applicants are seeking bail as they came to be arrested on 10/06/2024 in connection with Crime No.374/2024 registered with police station, Beltarodi, Nagpur District Nagpur for the offence punishable under Sections 302, 307 and 504 read with Section 34 of the IPC.

2. The accusation against the present applicant is on the basis of report lodged by Geeta Bahalram Sahu on an allegation that on 09/06/2024 at about 6.00 PM deceased Dilip went outside the house and not returned back, therefore, she made enquiry and it revealed to her from the enquiry that near to her house in a square there was a scuffle between the present applicants, other co-accused and the deceased and his friend. In that scuffle the deceased was assaulted by the present applicants as well as co-accused and co-accused Ganesh Sahu gave a blow of knife on his person due to which he succumbed to the death. On the basis of the said report, police have

registered the crime against the present applicants as well as other co-accused.

3. Learned Counsel for the applicant submitted that admittedly the alleged incident has taken place due to the dispute between the two groups and the present applicant Piyush has also sustained the injury in the said incident. As far as the role of the present applicants in causing the death of the Dilip is concerned, general allegation is levelled against them. The injuries sustained by the deceased are caused by the co-accused. Now, the investigation is completed and charge-sheet is filed. Further incarceration of the applicants is not required. In view of that, they be released on bail.

4. Learned APP strongly opposed the application and submitted that the informant and his another friend they were only two, other persons came subsequently whereas the applicants and other co-accused were more in number and the incident was started at their behest. The deceased was assaulted by the co-accused by means of knife and he has sustained in all 7 injuries. The force used while causing the injuries can be ascertained from the postmortem report which shows that the deceased has sustained the internal injuries also. The cause of death is due to the injuries on the vital organs. Thus, in furtherance of the common intention, the death of the deceased is caused by the present applicants and other

co-accused. Considering the gravity of the offence, 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 scuffle was started as present applicants were watching mobile phones in the midst of the road. They were asked to leave the road for the other pedestrians and on that count, the incident occurred. In the said incident, the applicants and the other co-accused have sustained the injuries which are simple in nature. In the said incident, co-accused Ganesh has given a blow of knife repeatedly on the person of the deceased due to which the deceased sustained the grievous injuries and succumbed to the death.

6. The nature of the injuries are grievous in nature. The force used by the co-accused can be ascertained from the postmortem report as the internal parts are also damaged due to the blow by the knife. Thus, as far as other co-accused is concerned there is *prima facie* material against them. Considering the role of the present applicants on the basis of the statement of the injured eye-witness it reveals that their presence and their role regarding the assault general allegation is levelled against them. Considering now investigation is already completed and charge-sheet is filed and the role attributed to the present applicants is general in nature. The applicants have made out a case for grant of bail. 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 applicants – 1) Piyush @ Chhotu s/o Sundar Lilhare and 2) Akash @ Akku @ Derby s/o Sudama Lilhare in connection with Crime No.374/2024 registered with police station, Beltarodi, Nagpur District Nagpur for the offence punishable under Sections 302, 307 and 504 read with Section 34 of the IPC, be released on bail on executing P.R. bond in the sum of Rs.25,000/- each with one surety each in the like amount.
- (iii) The applicants shall not enter into the jurisdiction of police station Beltarodi, Nagpur till culmination of the trial.
- (iv) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.
- (v) The applicants shall furnish their detailed address where they are intending to reside after releasing them on bail along with mobile numbers, before the Investigating Officer.

(vi) The applicants shall also furnish the names of their two relatives along with their address proof, before the Investigating Officer.

(vii) The applicants shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

(viii) The contravention of any of the condition would lead to the cancellation of bail.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*