



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

CRIMINAL APPLICATION (BA) No.1020 OF 2024

(Yash @ Tarun Hari Godariya Vs. State of Maharashtra, through PSO, P.S.
Imambada, Nagpur)

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

Court's or Judge's orders.

Mr. S.G. Karmarkar, Advocate for applicant.
Mr. Neeraj Jawde, APP for non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 20th MARCH, 2025.

1. The applicant came to be arrested on 31.10.2023 in connection with Crime No.448/2023, registered with Police Station Imamwada, Nagpur for the offence under Sections 302 read with Section 34 of the Indian Penal Code and under Section 4 and 25 of the Arms Act.

2. The First Information Report was registered on the basis of report lodged by Madhuri Nitin Rohanbagh, who is the wife of the deceased. As per the allegations on the intervening night of 30.10.2023 and 31.10.2023 at about 3.00 a.m. accused persons had reached the prime accused Gabbar Chauhan while the deceased was sleeping and assaulted and killed the deceased by using the knife, bricks and other weapons. On the basis of said report Police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant, who submitted that except the presence no overact is attributed to the present applicant, only role attributed to him that he was sitting on the road and watching whether anybody is coming. Thus, considering the role attributed to the present applicant, now investigation is completed, charge-sheet is filed. Moreover, the applicant is suffering from various ailments and if he is kept behind bars his health would be deteriorated. In view of that, he be released on bail.

4. Learned A.P.P. strongly opposed the same and submitted that in furtherance of the common intention the deceased was attacked by the present applicant and the other co-accused. The prima facie case is made out against him as he was watching by standing on the road. In view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers it reveals that the presence of the present applicant at the spot of incident reveals from the statements of the various witnesses. On perusal of various statements of the witnesses it reveals that the present applicant and another co accused was standing on the road and were watching whether anybody is coming and the other co-accused have assaulted the deceased. Thus, considering the role of the present applicant only limited role is attributed to him. Now, investigation is already completed, charge-sheet is already filed. Further incarceration of the present

applicant is not required. In view of that, application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order :

ORDER

- (i) The application is allowed.
- (ii) The applicant – Yash @ Tarun Hari Godariya shall be released on bail in connection with Crime No.448/2023, registered with Police Station Imamwada, Nagpur for the offence under Sections 302 read with Section 34 of the Indian Penal Code and under Section 4 and 25 of the Arms Act on executing P.R. Bond of Rs.25,000/- with one surety of like amount.
- (iii) The applicant shall attend the Police Station Imamwada, Nagpur twice in a month on 1st and 15th of every month and the Police Station Officer shall record his presence.
- (iv) The applicant shall not induce threat or promise any witnesses, who are acquainted with the facts of the case.
- (v) The applicant shall not enter into the jurisdiction of Police Station Imamwada, Nagpur till culmination of the trial.
- (vi) The applicant shall furnish his detail address alongwith address proof and his mobile number.
- (vii) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

6. The application is disposed of.

(Urmila Joshi-Phalke, J.)

Wadode