



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

CRIMINAL APPLICATION (BA) NO. 243 OF 2025

(Rohan @ Randi Dilip Jogdande

Vs.

State of Maharashtra, Thr. P.S.O. Police Station, Pusad (Rural),
Tah. Pusad, Dist. Yavatmal)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.M. Patwardhan, Advocate a/w Mr. J.S. Wankhede, Advocate for the Applicant.

Ms. Mrunal Barabde, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 23rd JUNE, 2025

1. Heard.
2. The Applicant came to be arrested on 24.07.2023, in connection with Crime No. 584/2023 registered with Police Station Pusad (Rural), District Yavatmal for the offence punishable under Sections 302, 323, 143, 147, 148, 149 of the Indian Penal Code, 1860.
3. Heard learned Counsel for the Applicant who submitted that, the crime is registered on the basis of the report lodged by the Informant Balu Anand Bhagat, on an allegation that on 21.07.2023 when he was at home he received the message that his son namely Sanghadeep has assaulted by the present Applicant and other co-accused. It is

further alleged that, there was enmity between them due to the involvement of the deceased in one murder which occurred prior to two to three years. It is further alleged that, on the day of incident when the complainant was proceeding from Bajrang Nagar near the water tank, he heard noise of quarrel. Therefore, he went towards the water-tank wherein he has seen the present Applicant and other co-accused assaulted his son Sanghadeep. His son has received bleeding injury. On the basis of the said report Police have registered the crime.

4. During the investigation, the Investigating Officer has recorded the statement of the eye witnesses and the involvement of the present Applicant is revealed, and therefore, he is arraigned as an accused. He further submitted that, there are inconsistent statements as far as the assault by the present Applicant on the deceased are concerned. Though Informant is assigning the role to the present Applicant as to the assault to the deceased but none of the eye witnesses named him that he has assaulted the deceased, only allegation against him is that he has assaulted by fists and kick blows to one witness. Thus, considering the statements of the eye witnesses, the involvement of the present Applicant even assumed it is only to the extent of assault to the witness by fists and kick blows, so his involvement is not in committing the murder of the deceased. Now, the investigation is already completed and charge-sheet is already filed, the Applicant is behind bars since his date of arrest i.e. from 24.07.2023 and there is no progress in trial. In view of that, he be released on bail.

5. Learned APP for the Non-applicant/State, strongly opposed the application and submitted that, the Applicant was a member of unlawful assembly and in furtherance of common object of the said assembly he has not only assaulted the deceased but also assaulted the other prosecution witnesses. Considering the nature of the offence and the gravity of the same, the Application deserves to be rejected.

6. On hearing both the sides and on perusal of the investigation papers it reveals that, the Informant went at the spot after hearing the noise whereas the eye witnesses were alongwith the deceased. The statement of the eye witnesses assigns the role to the present Applicant to the extent of assault on the deceased is concerned. As per the statement of all the eye witness the present Applicant has assaulted the prosecution witnesses by means of fists and kick blows. Thus, considering the inconsistent statements and the statement of the eye witness which only assigns the role of the present Applicant to the extent of assault by means of fists and kicks blows to the prosecution witness, the Applicant has made out the case for grant of bail. Accordingly, I proceed to pass the following order.

ORDER

- i. The Application is **allowed**.

- ii. The Applicant – Rohan @ Randi Dilip Jogdande in connection with Crime No.584/2023 registered with Police Station Pusad (Rural), District Yavatmal for the offence punishable under Sections 302, 323, 143, 147, 148, 149 of the Indian Penal Code, 1860, be released on bail, on executing 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 Taluqa Pusad except attending the Court proceedings before the Additional Sessions Judge, Pusad till the conclusion of the trial.
 - iv. The Applicant 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 Applicant shall furnish his detail address with address proof where he is intending to reside after he is released on bail.
 - vi. The Applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.
7. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)