



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

Criminal Application (BA) No.407/2025

[Sachin V State of Maharashtra]

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

Court's or Judge's orders

Mr. O.K. Masurke, Advocate for applicant.
Mr. M.K. Pathan, APP for State.

Coram : Urmila Joshi-Phalke, J.
Date : 28-04-2025.

Heard.

2. The present application is preferred by the applicant for grant of bail in connection with Crime No. 0654/2024 registered under Sections 118, 109, 103, 3(5) of the Bhartiya Nagarik Suraksha Sanhita, 2023.

3. The crime is registered on the basis of report lodged by Ranjit Bhoyar on an allegation that the deceased who is his son was called by three persons and said three persons took him in the auto rickshaw and thereafter his son was found injured and during his injuries he succumbed to death. He further disclosed that his daughter in law seen the co-accused Sonu Shahu in the said auto rickshaw and other persons were unknown to her. During investigation the name of the present applicant reveals and therefore he came to be arrested.

4. Heard learned Counsel for the applicant who submitted that the involvement of the present applicant itself is doubtful as there is no direct evidence to connect the present applicant with the alleged offence. The case is vested on the sole eye witness who has also made a general statement. As far as the present

applicant is concerned, he has not witnessed the present applicant assaulting the deceased. He has also stated on the basis of information received by him and during Section 164 of Cr.P.C. statement he has left the loyalty towards the prosecution and specifically stated that he has not witnessed any incident. Now investigation is already completed, chargesheet is already filed and the involvement of the present applicant is itself doubtful, he be released on bail.

5. Learned APP strongly opposed the said application and submitted that the alleged incident has taken place at the Pan Stall of the co-accused. The weapon used in the crime is also recovered at the instance of co-accused Sonu Shahu. As far as the present applicant is concerned, statement of Kunal shows the involvement of the present applicant. In view of that the application deserves to be rejected.

6. On hearing both the sides and on perusal of the investigation papers it reveals that initially FIR was lodged against co-accused Sonu Shahu and three unknown persons. As far as the present applicant is concerned, there is no direct material to connect him with the alleged offence. The statement of the eye witnesses also nowhere discloses that he has witnessed the present applicant assaulting the deceased. Thus, the involvement of the present applicant itself is doubtful. The investigation is completed, chargesheet is filed, hence, the further incarceration of the applicant is not required. In view of above, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

7. The application is allowed.

8. The applicant shall be released on bail in connection with Crime No. 0654/2024 registered under Sections 118, 109 103,

3(5) of the Bhartiya Nagarik Suraksha Sanhita, 2023 on executing PR Bond of Rs. 25,000/- with one surety of like amount.

9. The applicant shall attend the Court proceeding without seeking any exemption unless there are exceptional circumstances.

10. The applicant shall furnish his detailed address along with the address proof and also furnish the names of his two relatives along with their address with address proof.

11. The applicant shall not induce, threat or promise to any witnesses who are acquainted with the facts of the case.

12. The applicant shall not enter into the jurisdiction of Hudkeshwar Police Station till culmination of the trial.

13. Application is disposed of.

(Urmila Joshi-Phalke, J.)