



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

CRIMINAL APPLICATION (BA) NO. 449 OF 2025

(Champat S/o Pandurang Dhok

Vs.

State of Maharashtra, Thr. P.S.O. Police Station, Shegaon, District
Chandrapur.)

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. A.C. Jaltare, Advocate for the Applicant.
Mr. M.J. Khan, 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 16.12.2024, in connection with Crime No.324/2024 registered with Police Station Shegaon, District Chandrapur for the offence punishable under Section 103(1) of Bhartiya Nyaya Sanhita, 2023.
3. The crime is registered on the basis of the report lodged by Sunil Wasudeo Hazare on an allegation that on 15.12.2024 his father had been to the agricultural field and after some time one Kishor Hanwate came towards him shouting that his father is assaulted by the present Applicant by means of stone. He rushed immediately to the spot of incident and enquired to his father and it was disclosed to

him that the present Applicant was seen throwing the thorny bushes on the fencing of the agricultural field and on that count there was quarrel between them and the present Applicant took the stone which was lying there and assaulted the deceased, due to which, the deceased sustained the injuries and died on the same date. On the basis of the said report Police have registered the crime against the present Applicant.

4. Heard learned Counsel for the Applicant, who submitted that even accepting the allegations as it is there was no premeditation whatever happened was suddenly and the Applicant was not armed with any weapon, due to the border dispute between the two persons, the alleged incident has taken place. As far as his further incarceration is concerned, which is not required. There are no criminal antecedents, it was the incident of sudden fight quarrel, and therefore, the offence of culpable homicide amounting to murder is not made out. 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 death is due to head injury and there are eye witnesses to the said incident. Whether it is culpable homicide amounting to murder or not amounting to murder is a matter of trial and at this stage it cannot be considered, and therefore, the Application deserves to be rejected.

6. On hearing both the sides and on perusal of the

investigation papers, admittedly, whether it is a culpable homicide amounting to murder or not amounting to murder is a matter of evidence. At this stage, from the statement of the witnesses it reveals that, the alleged incident has taken place in a sudden fight, there was no intention to commit murder and it was not a premeditated act. Considering all these aspects, the Application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- i.** The Application is **allowed**.
- ii.** The Applicant – Champat S/o Pandurang Dhok in connection with Crime No.324/2024 registered with Police Station Shegaon, District Chandrapur for the offence punishable under Section 103(1) of Bhartiya Nyaya Sanhita, 2023, 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 Village Khutala, Taluka Bhadravati, District Chandrapur till the culmination 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 Trial 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.)