



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

CRIMINAL APPLICATION (BA) NO.642 OF 2025

(Maroti Shankar Muthal 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.M. Jaltare, Advocate for the applicant.
Mr. A.J. Gohokar, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JULY 18, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 11.02.2025 in connection with Crime No.85/2025 registered with Police Station Shirpur, District Washim for the offences punishable under Sections 103, 238 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of the report lodged by the brother of the deceased on an allegation that his brother had left the house and went to the house of one lady Ashwini wherein he was assaulted by the present applicant and the death of the deceased is caused. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant who invited my attention towards the statement of eye-witness Dipak Rameshwar Lahore and submitted that even accepting the allegation as it is, it seems that under the suspicion that the deceased has been in the house to commit the theft, he was

assaulted by the other co-accused. He submitted that, as far as the role attributed to the present applicant is concerned, which is to the extent of assault by fist and kick blows. So there is no intention which can be attributed to the present applicant. Now, the investigation is completed and charge-sheet is filed, further incarceration of the applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the application and submitted that considering the fact that the deceased was assaulted by the present applicant and other co-accused repeatedly. The death of the deceased is caused. Whether there was an intention or not is a matter of evidence but it seems that he was assaulted as he entered in the house of one lady and there were some relationship between them. Thus, he submitted that, considering the gravity of the offence, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides and on perusal of the investigation papers it reveals that the entire case is based on the sole eyewitness. The statement of the sole eye-witness attributes the role only to the extent of assault by fist and kick blows. Now, the investigation is completed and charge-sheet is filed, further incarceration of the applicant is not required. 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 applicant - Maroti Shankar Muthal in connection with Crime No.85/2025 registered

with Police Station Shirpur, District Washim for the offences punishable under Sections 103, 238 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.

(iii) The applicant shall not enter into the vicinity of village Gohgaon, Taluka Risod, District Washim till culmination of the trial.

(iv) The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either physically or by way of electronic media.

(vi) The applicant shall furnish his detailed address along with address proof where he is intending to reside after he is released on bail, before the investigating agency.

6. The contravention of any of the condition would lead to the cancellation of bail.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)