

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

CRIMINAL APPLICATION (BA) NO.706/2025

(Suraj S/o Dilip Deshmukh Vs. State of Maharashtra, through Police Station Officer, Police Station Rajapeth, Tah.
and District Amravati)

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

Court's or Judge's orders

Mr. R.M. Daga, Advocate for the applicant.
Mr. V.A. Thakare, A.P.P. for the non-applicant/State.
Mr. Aniket Rangari, Advocate to assist the prosecution.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 9.12.2025.

The applicant is arrested in Crime No.565/2024 for the offence punishable under Sections 103(1), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita.

2. It is alleged that on 8.10.2024 at about 1.30 p.m. the informant and the deceased were at the house of their friend Pradnya. At that time, deceased has received the call from the present applicant. The accused No.2 Seema was having grudge against the relationship of present applicant with Shubhangi and to resolve the said issue, she went on the spot. At that time, informant was along with present applicant and deceased. When they reached on the spot, at that time, accused Seema pushed deceased and assaulted her by knife and she ran away. The informant has given the report and has stated that when Seema ran away accused also tried to run away but she asked him to take deceased to hospital and they took her to the hospital. Thereafter he has given threats not to involve him in crime.

3. The learned Advocate for the applicant has submitted that the first informant is the only eye witness and she has given the statement. From the F.I.R. it does not reveal that the applicant has

committed any offence or no role is attributed to him and only because he has given threats, the crime is registered and since last 1 year and 2 months applicant is in jail.

4. The first informant has filed an affidavit and stated that the statement which she has given is not correct and she had filed her intervention application before the trial Court while granting bail but the trial Court has rejected the application. Today also first informant appeared through Advocate and has filed an affidavit stating that the statement recorded by the police is not correct. She has not stated about involvement of the applicant. Hence, prayed to release the applicant on bail.

5. The learned A.P.P. opposed the application stating that the applicant took her to accused No.1 and accused No.1 assaulted her. There is conspiracy between the applicant and the other co-accused. The offence is registered on the basis of the statement of the first informant. The first informant has now turned hostile even before initiation of trial. Hence, prayed to reject the application.

6. The learned Advocate for the first informant has filed Criminal Application (APPP) No.2511/2025 to assist the prosecution. For the reasons stated in the application, it is allowed.

7. First informant has filed an affidavit and stated that she has not given statement which is on record. Hence, prayed to release the applicant on bail.

8. Heard the learned Advocates for the parties and perused the record.

9. The applicant is in jail since last 1 year and 2 months. The first informant is the only eye witness in this case and she has stated on affidavit that the statement which is recorded by the police is

incorrect and she has not given such statement and has not stated about the involvement of this applicant.

10. Considering the statement given by the first informant who is the only eye witness, case is made out to release the applicant on bail.

i) Applicant - Suraj S/o Dilip Deshmukh be released on bail in Crime No.565/2024 for the offence punishable under Sections 103(1), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, on furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with solvent surety in the like amount before the trial Court.

ii) The applicant shall not in any way tamper with the prosecution evidence.

iii) The applicant shall not pressurize or threaten the prosecution witnesses.

iv) The applicant shall co-operate the learned trial judge in the conduct of the trial.

11. The Criminal Application stands disposed of accordingly.

(MRS.VRUSHALI V.JOSHI, J.)