



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

CRIMINAL APPLICATION (BA) NO.1017/2025

(Sudarshan @ Chakulya @ Fendri S/o Madan Jadhav Vs. State of Maharashtra, through P.S.O., P.S. Mehkar, Distt. Buldhana)

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.
Ms. T.H. Udeshi, A.P.P. for the non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.
DATED: 10.10.2025.

The applicant is arrested on 15.6.2024 in Crime No.347/2024 for the offence punishable under Sections 302, 506, 34, 109, 120-B and 201 of the Indian Penal Code.

2. The report was lodged by one Raju Nannaware against accused Ganesh Thabade and other unknown persons and the offence is registered as the deceased has mentioned the name of Ganesh Thabade and other persons. On the statement made by one Vishal Lad the crime is registered against this applicant.

3. The allegations are made that all these accused persons have committed murder of Akash who was drunkard. The learned Advocate for the applicant has stated that one of the accused Pravin Jawanjal is released on bail by this Court. The role played by this applicant is mentioned by one of the witness Vishal who has given the statement that the applicant pelted stone on the deceased. The cause of death is shock due to multiple injuries. The Medical Officer opined that said injuries are possible with iron rod and stick. The role attributed to this applicant is of pelting stone. Stone is seized from the spot but it is not referred to the Medical Officer for opinion.

4. The learned Advocate for the applicant has pointed out the statement of the witness Vishal and stated that the person who has mentioned the name of this applicant was under intoxication, he had consumed liquor and thereafter he had consumed Ganja. He was totally intoxicated and the statement of such a person cannot be said to be reliable. The name of this applicant is disclosed by the said witness, as presence of this witness on the spot is not probable, prayed to release the applicant on bail.

5. The learned A.P.P. opposed the application stating that though role attributed to the applicant is similar to that of Pravin Jawanjali, who is released on bail by this Court, the role of this applicant is about pelting stone and he was with said Ganesh Thabade whose name is specifically mentioned by the deceased. Considering the allegations made against this applicant, prayed to reject the application.

6. Heard both sides and perused the record.

7. F.I.R. does not disclose the name of this applicant. The incident took place on 24.7.2024 and the statement of this witness Vishal was recorded after 8 days though he is an alleged eye-witness. After going through the statement of this witness, it appears that when the incident took place he was under intoxication. The person who was under intoxication his statement cannot be said to be reliable. The assault by stone is there but stone is not sent to Medical Officer for his opinion. In clause 17 of the postmortem report injuries mentioned and opinion is given that the injuries are possible by wooden stick and iron rod. As the role of this applicant is of pelting stone and his name was not there till recording of statement of witness Vishal, case is

made out to release the applicant on bail. Hence, application is allowed.

- i) Applicant- Sudarshan @ Chakulya @ Fendri S/o Madan Jadhav be released on bail in Crime No.347/2024, registered with Police Station Mehkar, Distt. Buldhana, for the offence punishable under Sections 302, 506, 34, 109, 120-B and 201 of the Indian Penal Code, on his furnishing PR. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount.
- 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 with the Investigating Officer.

(MRS.VRUSHALI V.JOSHI, J.)