



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

CRIMINAL APPLICATION (BA) NO.1024/2025

(Sumit @ Pruthvi S/o Dyaneshwar Khobragade Vs. The State of Maharashtra, through Police Station Officer Pardi
Police Station, Distt. Nagpur)

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

Court's or Judge's orders

Mr. Lubesh Meshram with Mr. Saurabh Singha, Advocates for the applicant.
Mr. C.A. Lokhande, A.P.P. for the non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.
DATED: 4.11.2025.

The applicant is arrested in Crime No.42/2025 for the offence punishable under Sections 103(1), 189(1), 189(2), 189(4), 190, 191(2) and 191(3) of the Bharatiya Nyaya Sanhita, Section 135 of the Maharashtra Police Act and Sections 4 and 25 of the Arms Act.

2. The complainant is the mother of the deceased. On 25.1.2025 the incident took place. At about 3.15 p.m. near house of Propesh Labhane deceased along with Suraj Mohurle were chitchatting, co-accused Durgesh Larokar and Sahil @ Nobi Patel came there. Nobi was having a big knife in his hand. Durgesh asked Suraj to stay away and at that time, Durgesh started abusing Harsahd and assaulted him with a brick from the terrace on his head. Thereafter Durgesh asked Sahil to eliminate Harshad. Upon instructions, Sahil inflicted blow of knife on the chest of Harshad, thereafter Durgesh also took the knife from Sahil and tried to inflict a blow, which was saved by Harshad by putting his right hand. Thereafter for saving himself Harshad tried to run away by pushing Durgesh and Sahil. At that time, he was chased by the applicant along with other co-accused and since Harsahd was already injured he could not run and was attacked by all the accused

persons. After the assault, all the accused persons ran away from the spot. As the information about the incident was given to police, they came and took the deceased at Meyo Hospital, where he was declared as dead. On the basis of complaint, crime came to be registered.

3. The learned Advocate for the applicant has stated that the applicant was not the assailant. Two accused persons, who actually assaulted the deceased, are juvenile and are released on bail. The role of this applicant is that he came there on motorcycle, accused sat on his motorcycle and he took them on his motorcycle. He has not assaulted the deceased and, therefore, prayed to release the applicant on bail.

4. The learned A.P.P. has stated that eye witnesses are there and they have given statement about the actual assault. Witnesses Propesh Labhane and Suraj Mohurle have stated about the role played by this applicant. Suresh Mohurle has stated that all the accused persons assaulted with knife and fist blows to the deceased. The applicant has facilitated the other accused persons to commit the crime and his role is there. Hence, prayed to reject the application.

5. Heard both sides and perused the record.

6. The presence of applicant on the spot is there as per the statements of eye witnesses. From the prosecution story and from the statements of eye witnesses it reveal that the applicant is not the assailant though he has facilitated other accused persons by taking them on motorcycle. Considering the role played by this applicant, he deserves to be released on bail. Hence the application is allowed.

i) Applicant- Sumit @ Pruthvi S/o Dyaneshwar Khobragade be released on bail in Crime No.42/2025 for the offence punishable

under Sections 103(1), 189(1), 189(2), 189(4), 190, 191(2) and 191(3) of the Bharatiya Nyaya Sanhita, Section 135 of the Maharashtra Police Act and Sections 4/25 of the Arms Act, on his furnishing P.R. 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 with the learned trial judge in the conduct of the trial.

(MRS.VRUSHALI V.JOSHI, J.)