



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

CRIMINAL APPLICATION (BA) NO.1175/2025

(Adarsh S/o Asim Haldar Vs. State of Maharashtra, through Police Station Officer Police Station Ramnagar, Distt. Chandrapur)

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

Court's or Judge's orders

Mr. A.C. Jaltare, Advocate for the applicant.
Mr. C.A. Lokhande, A.P.P. for non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.
DATED: 27.11.2025.

Heard.

2. The applicant is arrested in Crime No.175 of 2024 registered with Police Station, Ramnagar, District : Chandrapur for the offences punishable under Sections 302, 143, 148, 149, 201 of the Indian Penal Code, and Section 135 of the Maharashtra Police Act, 1951.

3. It is the case of the prosecution that the brother of the first informant did not return the house and therefore, she along with her maternal aunt went to search him. They found that the blood was lying on the spot of incident and thereafter, they found that the police were searching something near the dumping yard and from the dumping yard they took one body and the first informant identified it as her brother. Thereafter, the First Information Report was lodged. During the enquiry, the applicant along with other co-accused were arrested.

4. The learned Counsel for the applicant has stated that the case is relied on the circumstantial evidence, and there is nothing incriminating against this applicant. No eye witness is there. Last seen

together is also not there. Relying on the statements of two witnesses, the applicant is arrested.

5. It is further argued that the statements of the witnesses do not disclose that the applicant was last seen with the deceased. The quarrel took place between the other persons and not with this applicant. Though the tower location is shown near the spot of incident, the applicant is the resident of the area where the incident took place and therefore, the tower location is the same. There is no evidence against this applicant to involve him in the said offence. The injury on which the prosecution is relying is of seven days before and there were no blood stains on the clothes of this accused. Nothing is there on record to involve this applicant in this crime. Hence, prayed to release him on bail as he is in jail since 1½ years and the trial is not yet initiated.

6. The learned A.P.P. opposed the application stating that the involvement of the applicant can be gathered from the injury certificate issued by the Medical Officer. The Medical Officer has given the opinion that the said injury can be caused at the time of assault by the knife. There are seventeen stab injuries on the person of the deceased. The mobile location of this applicant is near the spot of incident. There is call between 11.00 p.m. on the date of incident from the co-accused on the mobile of this applicant which connect the applicant to the offence. Hence, prayed to reject the application.

7. Heard both the learned Counsel for the respective parties.

8. The serious offence is registered based on the circumstantial evidence only. The statements of the two witnesses is the material on

which the prosecution is relied to show the involvement of this applicant.

9. On perusal of the said statements it appears that they have mentioned the name of this applicant, when the quarrel took place i.e. before said crime and thereafter, all of them went from there. It appears that the spot of incident and the residence of the applicant and the deceased is the same, therefore, the tower location of mobile of applicant is of same area. On the basis of said tower location the applicant cannot be roped in said offence. Call from co-accused is not helpful to prosecution to connect the applicant with the offence, on the contrary it shows that he was not with the co-accused. The injury on the hand of the applicant at the relevant time on which the prosecution has relied is old injury. The age of the injury is seven days. It was not fresh injury. Therefore, on the basis of the said injury, the involvement of the applicant cannot be gathered in said offence.

10. At this stage, considering the material on record against this applicant, the case is made out to release him on bail. Accordingly, I pass the following order:-

- i) Criminal application is allowed.
- ii) Applicant - Adarsh S/o Asim Haldar be released on bail in Crime No.175 of 2024, registered with Police Station, Ramnagar, District : Chandrapur for the offences punishable under Sections 302, 143, 148, 149, 201 of the Indian Penal Code, and Section 135 of the Maharashtra Police Act on his furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.

- iii) The applicant shall not enter the areas where the witnesses are staying.
- iv) The applicant shall not in any way tamper with the prosecution evidence.
- v) The applicant shall not pressurize or threaten the prosecution witnesses.
- vi) The applicant shall co-operate with the Investigating Officer.

(MRS.VRUSHALI V.JOSHI, J.)