

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

CRIMINAL APPLICATION (APPP) NO.388/2016

IN

CRIMINAL APPLICATION (ABA) NO.137/2016

Sachin s/o Wamanrao Shende

..Versus..

State of Maharashtra, through the Police Station Officer of Police Station
Ramnagar, Gondia, Tah. & Distt. Gondia

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 1.4.2016

Heard Shri Piyush V. Rajurkar advocate h/f Shri M. Anilkumar, advocate for the complainant/intervenor, Shri R.M. Daga, advocate for the applicant and Shri A.D. Sonak, A.P.P. for the non-applicant.

For the reasons stated in the application, the complainant is permitted to assist the prosecution. The criminal application is **allowed**.

CRIMINAL APPLICATION (ABA) NO.137/2016

Heard Shri R.M. Daga, advocate for the applicant, Shri Piyush V. Rajurkar advocate h/f Shri M. Anilkumar, advocate for the complainant and Shri A.D. Sonak, A.P.P. for the non-applicant.

The applicant apprehends arrest in crime registered against him for the offence punishable under Section 324, 326, 506(B) of the Indian Penal Code. The accusations against the applicant are that the applicant has assaulted the complainant (aged about 74 years) with knife and caused injury on his right thigh and that the applicant gave blows by fist to the complainant because of which the complainant was required to be hospitalized.

The application is opposed on the ground that the applicant was admitted in a private hospital for the period from 23rd February, 2016 till 1st March, 2016 which itself shows the gravity of offence. Shri Daga, advocate for the applicant has submitted that initially the offence punishable under Section 324 and 506(B) of the Indian Penal Code was registered against the applicant, however, without any justification the offence under Section 326 of the Indian Penal Code came to be added and the facts on the record show that the applicant is being implicated in non-bailable offence without any justification. The learned advocate for the applicant has pointed out from the discharge summary given by the private hospital where the complainant was hospitalized, which shows that during the stay at the hospital the patient responded well to the treatment and at the time of discharge on 1st March, 2016 he was in stable condition. It is further pointed out that as per the diagnosis of the Consultant who attended the complainant at the private hospital the lacerated wound is diagnosed on the right thigh of complainant and it cannot

be said that it is because of blow given by knife.

The applicant is an Engineering Graduate and is running a computer institute and he had not been involved in any crime earlier.

The learned A.P.P. has submitted that the knife/weapon used in the commission of the offence is required to be recovered.

Considering the facts on the record, in my view, the interim order dated 8th March, 2016 is required to be confirmed.

Hence, the following order:

- (i) In the event of arrest of applicant in Crime No.32/2016 registered by the non-applicant, the applicant be released on bail on furnishing P.R. bond for Rs.20,000/- (Rs. Twenty Thousand Only) and one solvent surety in the like amount.
- (ii) Until the charge-sheet is filed, the applicant shall attend the police station Ramnagar, Gondia on every Wednesday between 11 a.m. to 1 p.m.
- (iii) The application is **allowed** in the above terms.

CRIMINAL APPLICATION (APPP) NO.314/2016

In view of disposal of main application, this application does not survive and is disposed of accordingly.

JUDGE

Tambaskar.