

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION (BA) NO.94 OF 2017.

Chetan Nawal Kewaliya

..VS..

The State of Mah.P.S.O.P.S. Wadi, Distt.Nagpur.

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

Mr.Girish Purohit, Adv. for the applicant.

Mr.S.A.Ashirgade, APP for the State.

CORAM : P.N. DESHMUKH, J.

DATE : 10th MARCH, 2017.

1. This application is filed for grant of bail by one of the accused involved in Crime No.13 of 2017, registered at Police Station Wadi, Distt.Nagpur for the offence punishable under Sections 307, 323 read with Section 34 of the Indian Penal Code and under Section 135 of the Bombay Prohibition Act.

2. Heard learned counsel for the applicant and learned Additional Public Prosecutor for the State.

3. Learned counsel for the applicant has submitted that though there is injury report, it does not establish nature of injury sustained by injured and that other co-accused are released on bail and has submitted that since accused is a student, there is no propriety of keeping him behind bars and prayed that the application be allowed.

4. Learned Additional Public Prosecutor opposed the application as per reply filed on record, however, did not dispute that as per the injury report on record, no nature of injury alleged to be sustained by injured on abdomen is mentioned therein.

5. Perused the report. It appears that incident took place in a Restaurant where quarrel took place between complainant and four persons including applicant when they have assaulted complainant. Applicant is arrested on 13th January, 2017 and at his instance one knife and blood stained clothes were seized of which FSL report is awaiting.

6. From the say of prosecution, it is found that prior to incident there was quarrel in one Restaurant which resulted into attack on complainant by knife on his abdomen for which injured was referred to 'Shusrut Hospital at Nagpur'. Perusal of medical report establishes one injury sustained by the injured on the right side of his abdomen which is stab injury, however, nature of injury is not mentioned.

7. Learned Additional Public Prosecutor on obtaining instructions from the Investigating Officer on the earlier date, has today made a statement that injured was never referred for examination in Government Hospital. The medical certificate made available with the case diary is of a private hospital. From the certificate as aforesaid, it cannot be gathered as to what was

the nature of injury alleged to have been caused by applicant by knife to injured.

8. In that view of the matter and considering the fact that applicant is a student, application is liable to be allowed by imposing conditions as per order below.

Applicant Chetan Nawal Kwaliya shall be released on bail in Crime No.13 of 2017 registered at Police Station Wadi, Distt.Nagpur, on his executing P.R. Bond in the sum of Rs.25000/- with one surety in the like amount.

While on bail, applicant shall mark his presence with Police Station Wadi, Nagpur on every Sunday between 10.00 a.m. and 1.00 p.m. till the filing of charge sheet.

Applicant shall not tamper with the prosecution witnesses in any manner.

JUDGE

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