

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

CRIMINAL APPLICATION (BA) NO.1037 OF 2017

Ravi s/o Ramkrushna Gulhane, Agriculturist, Pethpura, Morshi, Amravati

-vs-

State of Maharashtra, Thr. PSO, PS Moshi, Dist. Amravati

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

Court's or Judge's Orders.

Shri S. V. Sirpurkar, Advocate for applicant.

Shri K. L. Dharmadhikari, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : November 22, 2017

The applicant who has been arrested on 27/09/2017 in connection with Crime No.504/2017 registered with Police Station Morshi, Dist. Amravati for the offence punishable under Sections 307, 341, 506 read with Section 34 of the Indian Penal Code seeks his release on bail.

As per the First Information Report on 18/09/2017 when the informant was proceeding on his motorcycle, the applicant had threatened him that if the transaction with regard to sale of plot was not settled, he would be assaulted. It is stated that the applicant on 18/09/2017 along with his associates attacked the informant with a sharp weapon resulting in injury. Report was accordingly lodged. During the course of investigation, the weapon was seized after the arrest of the applicant.

It is submitted on behalf of the applicant that the offence punishable under Section 307 of the Penal Code is not made

out. There is a single injury sustained by the informant on a non-vital part. Though there were some disputes between the applicant and the informant, the same have now been duly settled. As the investigation is now complete further detention of the applicant is not warranted.

The application is opposed by the learned Additional Public Prosecutor by filing reply. It is submitted that injury sustained by the informant is of grievous nature. The witnesses have also seen the same. Merely because the civil dispute is resolved, same cannot be a ground for releasing the applicant.

Perused the First Information Report as well as statements recorded. The injuries sustained by the informant are incise wounds from the weapon that has been seized at the instance of the applicant. This injury is sustained by the informant near his armpit. Considering the fact that the civil dispute between the parties over sale of plot is now stated to be resolved and the investigation in the present offence is almost complete, I am inclined to enlarge the applicant on bail subject to conditions.

Accordingly the applicant Ravi s/o Ramkrushna Gulhane who has been arrested on 27/09/2017 in connection with Crime No.504/2017 registered with Police Station Morshi, Dist. Amravati for the offence punishable under Sections 307, 341, 506 read with Section 34 of the Indian Penal Code, is directed to be released on bail on furnishing PR Bond of

Rs.30,000/- (Rupees Thirty Thousand) with one surety in the like amount.

The applicant shall co-operate in completion of trial and shall not take any steps to influence the informant or the witnesses. It would be open for the prosecution to seek cancellation of liberty if it is found that the applicant has violated any condition stipulated earlier.

The observations made in this order are only for deciding this application which is allowed and disposed of.

JUDGE