

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

CRIMINAL APPLICATION (BA) NO.343 OF 2020

(Sunder Rupchand Varma .vs. State)

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

Court's or Judge's

CORAM : M. G. GIRATKAR, J.

DATE : 10.8.2020.

1. Heard Mr.Bhushan Dafle, learned Counsel for the applicant and Mr.N.R.Rode, learned Additional Public Prosecutor for non-applicant/State. The hearing was conducted through Video Conferencing and the learned Counsel for the respective parties agreed that the audio and visual quality was proper.

2. Mr.Bhushan Dafle, learned Counsel for the applicant has pointed out the Medico-legal Certificate issued by the Rural hospital, Bhadrawati and submitted that there is only one laceration on the person of Complainant. Learned Counsel has further pointed out the First Information Report and submitted that there was quarrel on account of money.

3. Mr.N.R.Rode, learned Additional Public Prosecutor for Non-applicant/State has submitted that the Complainant had taken treatment in the hospital for about one month. The eye witnesses

have stated about causing of injury by the applicant by knife and therefore, offence punishable under Section 307 of the Indian Penal Code is made out.

4. Perused the First Information Report. In the F.I.R., initially offences punishable under Sections 324, 504 and 506 of the Indian Penal Code were registered. Thereafter, offence punishable under Section 326 of the Indian Penal Code was added and later on, offence punishable under Section 307 is added. The Medico-legal Certificate issued by the Rural hospital, Bhadrawati shows that the Complainant had sustained only one lacerated injury of size 2 x 1 x 1 cm caused by sharp object. From the said Medico-legal Certificate, it appears that there was no any grievous injury on the person of Complainant. The F.I.R. shows that there was dispute on account of money and at the time of quarrel, the incident took place. The applicant is in jail since January, 2020. Investigation is complete. Charge-sheet is filed. Looking to the nature of injury shown in the Medico-legal Certificate issued by the Rural hospital, Bhadrawati and the allegations in the report, the applicant is entitled for grant of bail. Hence, the following order.

The application is allowed.

The applicant be released on bail on execution of P.R. bond in the sum of **Rs.25,000/-** with one solvent surety in the like amount..

He shall not tamper with the evidence of prosecution witnesses.

He shall attend the trial Court on each and every date.

5. This order be communicated to the Counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

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