

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

CRIMINAL APPLICATION (BA) NO.501 OF 2021

Gajanan s/o Ramkrushna Duchale and anr.

..vs..

State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Shri Tejas Deshpande, Advocate a/w Shri Alpesh Deshmukh
Advocate for Applicants.

Shri H.D. Dubey, A.P.P. for Non-applicant/State.

CORAM : VINAY JOSHI, J.

DATED : 14/06/2021

Hearing was conducted through Video
Conferencing.

2. By this application, the applicants are seeking regular bail in Crime No.426 of 2021 registered at Awdhootwadi Police Station, District Yavatmal for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code.

3. The Applicants are seeking bail on the ground of innocence, false implication and inadequacy of evidence. The State resisted bail by pointing towards seriousness of offence and contending that the investigation is still in progress.

4. At the outset, it is to be noted that, the

applicants and the injured informant were unknown to each other. On flimsy reason a quarrel erupted in between them while the applicant was having morning stroll. In the scuffle, a cutter was used by applicant no.1 causing left forearm injury to the informant. It is not a case that due to enmity, there was a pre-planned assault. The weapon i.e. cutter used in commission of crime is already seized. The injured has taken treatment and he has discharged long back. Applicant no.1 is retired person whilst applicant no.2 is bank employee. There are no criminal antecedents.

Having regard to the nature of the accusation, further detention is not necessary. However, to facilitate uninterrupted investigation, certain conditions have to be imposed while releasing the applicants on bail, hence the following order is passed :

- (a) The Criminal Application is allowed.
- (b) The Applicant 1. Gajanan s/o Ramkrushna Duchale and 2. Saurabh s/o Gajanan Duchale are released on bail in connection with Crime No.426 of 2021 registered at Awdhootwadi Police Station, District Yavatmal for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code, on their furnishing P.R. bond in the sum of Rs.25,000/-

each, with one or two sureties in the like amount.

- (c) Both the applicants/accused shall not entered into Yavatmal district till the filing of the charge-sheet.
- (d) The applicants/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (e) The applicants/accused shall attend concerned Police Station as and when called, till filing of the charge-sheet.

Breach of either of condition would give rise to the prosecution to move this Court for cancellation of bail.

JUDGE

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