

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

CRIMINAL APPLICATION (BA) NO. 597 OF 2021

(Prabuddha Shubhas Shirsat and another ..vs.. State of Maharashtra, through PSO, PS Shegaon)

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

Court's or Judge's orders

Mr. Anand Deshpande, Counsel for the applicants,
Mr. N.R. Rode, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 17-07-2021

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Applicants 1 and 2 are bothers who are arraigned as accused in Crime 139/2021 registered with Shegaon Police Station for offences punishable under Sections 307, 324 and 504 read with Section 34 of the Indian Penal Code.

3. The crime is registered on the basis of report lodged by Mr. Akshay Khandare.

4. Mr. Akshay Khandare alleges that he was travelling on motorcycle with his friend Mr. Ajay.

5. Applicant 1-Prabuddha Shirsat accosted Ajay Khandare and initially heaped abuses on Ajay. In the altercation which followed, Akshay Khandare suffered

two stab injuries. One is on the hand and the other is on the abdomen. The injuries are allegedly caused by knife blows dealt by applicant 1-Prabuddha. Ajay, who came to the rescue of Akshay Khandare was allegedly assaulted by means of stone.

6. It is difficult to accept the submission of the learned Counsel Mr. Anand Deshpande that the incident occurred in the heat of the moment, however, this aspect will have to be left to the trial Court. Suffice is to state that applicant 1-Prabuddha was carrying a knife.

7. In so far as applicant 2- Shukracharya Shirsat is concerned, considering the limited role attributed and the fact that he has no criminal antecedents, a case for bail is made out.

8. However, in so far as applicant 1-Prabuddha is concerned, it is he who allegedly inflicted blows by means of knife and more importantly he has adverse antecedents. He is already facing one prosecution under Section 435, 504 and 506 of the Indian Penal Code and the allegation in that crime is that applicant 1-Prabuddha allegedly set a fire the motorcycle i.e. two wheeler of the complainant.

9. Considering the nature of the accusations, the material on record, and the adverse antecedents, I am

not inclined to release applicant 1- Prabuddha Shirsat on bail.

10. The application is partly allowed.

11. Applicant 2-Shukracharya Shubhas Shirsat shall be released on bail on executing personal bond of Rs.25,000/- with a solvent surety of like amount.

12. Applicant 2-Shukracharya Shubhas Shirsat shall not make any attempt to tamper with the evidence or to influence witnesses, directly or indirectly.

13. Applicant 2-Shukracharya Shubhas Shirsat shall attend each date of hearing scrupulously.

14. Applicant 2-Shukracharya Shubhas Shirsat shall not leave the country without the permission of the trial Court.

15. In so far as applicant 1-Prabuddha Shubhas Shirsat is concerned, since no case is made out for exercise of discretion, the application is rejected.

JUDGE

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