

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

CRIMINAL APPLICATION (BA) NO.643/2021

(Pradip s/o Madhukar Kannake **vs.** The State of Maharashtra: Th: PSO,
 PS Umred Dist. Nagpur)

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

Court's or Judge's order

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 Mr. A.G. Hunge, Advocate for the applicant
 Ms.T. Udeshi, APP for respondent -State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 29th July, 2021

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

1. The applicant has filed the present Application under Section 439 of the Cr.P.C. seeking regular bail, for offence punishable u/ss. 307 of the Indian Penal Code, registered at Police Station Umred, Dist. Nagpur, in respect of Crime No.47/2021.

2. I have heard learned counsel for the respective parties. Perused the case papers.

3. The prosecution case in brief is that on 25.01.2021 at about 8.45 pm, the applicant, informant and his friends were playing cards and during the process a quarrel took place between them. It is alleged that the applicant brought an axe and assaulted the victim by means of an axe on his head. The report came to be lodged and the offence was registered.

4. Learned Advocate for the applicant contended that there was no intention on the part of the applicant to commit the murder of the informant. According to him, the alleged incident had taken place in a spur of moment while the applicant, the victim and others were

playing cards. Moreover, he submitted that there is no criminal antecedent against the applicant.

5. Learned APP opposed the Application contending that the axe is recovered at the instance of the applicant and as such, he is not entitled for any relief.

6. After hearing both sides and on a perusal of the case-papers and the reply filed by the prosecution, *prima facie* it appears that the incident had taken place in a spur of moment while playing cards. In my opinion, the custodial interrogation of the applicant is not required. Moreover the charge-sheet has been filed in the matter and no criminal antecedents have been alleged against him.

7. Considering the facts and circumstances of the case, I am of the opinion that the applicant can be released on bail by imposing certain terms and conditions. Hence the order :-

ORDER:

The applicant - Pradip s/o Madhukar Kannake, be released on bail for offence punishable u/s 3097 of the Indian Penal Code on his executing a PR bond in the sum of Rs. 25,000/- (rupees twenty five thousand) with one or two solvent sureties in the like amount, on the following conditions :-

(i) He shall provide his residential address and cellphone number to the concerned Investigating Officer and shall not change the same without prior intimation to the Investigating Officer.

(ii) He shall not tamper with the prosecution witnesses in any manner.

- (iii) He shall keep himself away from the limits of area where the complainant and other witnesses are residing.
- (iv) He shall keep himself away from the jurisdiction of the concerned Police Station till culmination of trial.
- (v) Two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.
- (vi) Any observations made in this order are only for granting bail to the applicant and it shall not come in the way of the trial Court, during trial.

Criminal Application stands disposed of.

JUDGE

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