

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

Criminal Application (BA) No. 698 of 2021

[Tilak S/o Gangaram Kathaute ..vs.. State of Maharashtra through P.S.O., Arvi, Tah. Arvi,
Dist. Wardha]

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

Court's or Judge's orders

Mr. P. N. Sharma, Advocate for the applicant
Ms. T. H. Udeshi, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 26-07-2021

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The accusation is that the applicant dealt axe blow on the head of the injured Sonu Raut.

3. The alleged incident occurred on 25-12-2020.

4. The applicant is married to Mrs. Reena. The wife of the injured Mrs. Neetu, who is also the informant is Reena's sister. The prosecution case is that Sonu used to suspect that the applicant and Mrs. Reena were in illicit relationship and he used to abuse and manhandle his wife Reena on that count. Even according to the

prosecution, there was an altercation between the applicant and Sonu on the issue of what Sonu perceived to be an illicit relationship, during the course of which the applicant assaulted Sonu with axe. While the eye witness, who is the minor son of injured Sonu speaks of one blow on the head and blows on the back, the injury certificate refers to only one injury i.e. on the head which is described as a lacerated wound.

5. Considering the circumstances in which the alleged incident occurred and the fact that the applicant has no criminal antecedents, I am inclined to grant bail. However, sine the injured stays in the ad-joining house along with the other material witness who is his minor son, the prosecution apprehends that if the applicant is released on bail, the witnesses shall stand compromised.

6. The learned counsel for the applicant states that the applicant shall not enter the territorial limits of Arvi until all material witnesses are examined in the trial. This undertaking should allay the fear of the prosecution

that the witnesses may be intimidated. The application is allowed.

7. The applicant be released on bail on furnishing PR bond of ₹ 15,000/- (Rupees Fifteen Thousand) with solvent surety of like amount on following conditions.

(a) The applicant shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.

(b) The applicant shall not leave the country without the permission of the jurisdictional Court.

(c) The applicant shall not enter territorial limits of Tahsil Arvi, District Wardha till all material witnesses are examined in the trial, save and except to attend the Court hearing or unless permitted to do so by the jurisdictional Court for just and exceptional reasons.

(d) The applicant shall, within 48 Hours of release from custody, furnish the current residential address, cell number/s and any other relevant details by placing on record of the jurisdictional Court an appropriate praecipe

and shall scrupulously update this information in case of any change.

8. The application is disposed of in the aforestated terms.

JUDGE

wasnik