

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

Criminal Application (BA) No. 728 of 2021

[Rajat S/o Hansaraj Bagade ..vs.. State of Maharashtra, through P.S.O. P.S. Beltarodi, Nagpur]

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

Court's or Judge's orders

Mr. P. S. Jaiswal, Advocate for the applicant
Mr. N. R. Rode, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 11-08-2021

The applicant along with three others are implicated in Crime 122/2021 registered with Police Station, Beltarodi, Nagpur for the offences punishable under Sections 302, 307 and 201 read with Section 34 of the Indian Penal Code and Section 135 of the Maharashtra Police Act.

2. The crime is registered on the basis of report lodged at 3.01 a.m. on 19-3-2021 by Ramswadeep @ Lala Patel. The report makes a reference to the applicant Rajat and co-accused Ajay brandishing weapons and roaming on motorcycle in the locality declaring their intention of killing the informant since they suspected the informant to be a police informer. The next reference

to an altercation is that at 8.00 p.m., near the house of one Pravin Nagale, the accused were standing and the applicant was approaching the said spot holding a wooden stick. While the informant was proceeding to the house of accused Ajay Borge along with Golu and Raj. Ajay first demanded liquor, the informant refused to oblige, Ajay whipped out a knife and stabbed Golu on the back and the applicant started assaulting Golu and Raj Kawre.

3. The further case of the prosecution is that the informant raised hue and cry, left the scene and informed Piyush Shukla, Ankush Patel and Shubham who arrived at the scene of occurrence. The father and uncle of accused Ajay also reached the spot. The informant noted that Golu had bleeding injuries on shoulder and waist and Raj had knife injuries on back and under the armpit. The injured were taken to the Medical Hospital. Police were informed and initially, offences punishable under Sections 326 and 307 of the Indian Penal Code (IPC)

were registered. Since Raj Kawre succumbed, Section 302 was invoked.

4. The genesis and the details of the incident is blurred. There is a counter report concerning the same incident which is lodged by Ajay who is an accused in the present crime, on the basis of which, the police have registered offence *inter alia* under Section 326 of the IPC against the informant and his group including deceased Raj Kawre. Ajay Borge who is an accused in the present crime suffered a injury to the head allegedly inflicted by the informant Lala. The statement of Lala which is recorded during the course of investigation in the present crime is that he snatched the sword from Ajay and dealt a blow on the head.

5. Lala further claims that after assaulting Ajay, he fled leaving Golu and Raj Kawre behind.

6. Apart from the fact that the genesis of the offence is not clear, the role attributed to the applicant is assault with stick. It is apparent that some incident did occur.

However, unless there is a trial, it is difficult to hazard a case as to who exactly was the aggressor. Be that as it may, that will be addressed by the trial Court and suffice it to record that, in view of the limited role attributed to applicant Rajat and the fact that the grievous injury is admittedly suffered by co-accused Ajay and the other co-accused have also suffered injuries, a case for bail is made out.

7. Mr. Rode then points out that other than a preventive action, an offence punishable under Section 324 of the IPC is earlier registered against applicant Rajat in the year 2017.

8. Considering the material on record in the present matter, I am not inclined to reject bail on the ground that the applicant is facing one offence punishable under Section 324 of the IPC. The applicant can be put to terms to ensure that he does not indulge in criminal activities while on bail.

9. The application is allowed.

10. The applicant be released on furnishing PR bond of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount on following conditions.

(a) The applicant shall not indulge in any criminal activities while on bail and breach of this condition may entail cancellation of bail, if an appropriate motion is moved by the prosecution.

(b) The applicant shall report at the jurisdictional police station on 15th and 30th day of every calendar month and shall scrupulously attend the every date of hearing.

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

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

11. The application is disposed of in aforesaid terms.

JUDGE