

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

Criminal Application (BA) No. 1153 of 2021

(Atul S/o. Kaushal @ Bandu Neware ..vs.. The State of Maharashtra through PSO Gondia City,
Gondia, Tah. Distt. Gondia)

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

Court's or Judge's orders

Ms. K. K. Lambat, Advocate for the applicant
Mr. N. R. Rode, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 30-11-2021

Heard.

2. The applicant is seeking bail in connection with Crime 176/2021 registered with Police Station, Gondia City, District Gondia for offences punishable under Section 307 read with Section 34 of the Indian Penal Code and Sections 4 and 25 of the Indian Arms Act.

3. The prosecution case, as is discernible from the statement of injured, is that as a prank, the mobile phone of the applicant was hidden, and on the next day, the applicant, co-accused and a juvenile-in-conflict accosted the injured witness. Applicant 1 allegedly accused the injured of stealing his mobile and inflicted knife blows on the back and waist. The other co-accused assaulted the

injured with sharp stone on the head. The MLC shows that the injured suffered five injuries. Going by the prosecution version, the first injury on the head appears to be by stone and the fifth is an abrasion. Injuries 2, 3 and 4 are on the back.

4. The applicant is relatively young. While there is a previous offence registered in 2019, I am satisfied that the applicant can be released on bail. The applicant has already suffered detention of eight months or thereabout. The apprehension of the prosecution that the applicant may attempt to influence the witnesses can be allayed by imposing stringent conditions. The applicant volunteers not to enter the territorial limits of Gondia City till the conclusion of the trial, save and except to attend the Court proceedings or if otherwise, permitted to do so by the trial Court.

5. The application is allowed subject to the following conditions.

(i) The applicant be released on bail on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with solvent surety of the like amount.

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

(iii) The applicant shall not leave the country without the permission of the trial Court.

(iv) The applicant shall not indulge in any criminal activity while on bail.

(v) The applicant shall scrupulously attend the every date of hearing.

(vi) The applicant shall not enter the territorial limits of Gondia City till the conclusion of the trial, save and except to attend the Court proceedings or if otherwise, permitted to do so by the trial Court.

(vii) The applicant shall within 48 hours of release provide the Investigating Officer permanent address and current phone numbers and shall keep the Investigating officer updated of any change.

(viii) Even a singular default or breach of conditions imposed shall entail cancellation of bail.

JUDGE

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