

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

CRIMINAL APPLICATION (BA) NO. 1193 OF 2021

(Sagar Dnyaneshwar Gode ..vs.. State of Maharashtra, through PSO, PS Wardha (City), Wardha)

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

Court's or Judge's orders

Mr. A.M. Jaltare, Counsel for the applicant,
Mrs. Kalyani Deshpande, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 02-12-2021

The applicant, who is arraigned as accused 2 in Crime 600/2021 registered at Wardha (City) Police Station, District Wardha for offence punishable under Section 307 read with Section 34 of the Indian Penal Code (IPC), is seeking bail.

2. Injured Sonu Upadhyay alleges that accused 1-Shubham Kale owed him Rs.24,800/- (Rupees Twenty Four Thousand Eight Hundred) and when at 10-00 p.m. on 15-6-2021 he approached accused 1-Shubham Kale with a request for refund of the loan amount, the present applicant held his hands and accused 1-Shubham Kale inflicted a knife blow on the stomach.

3. The learned Additional Public Prosecutor Mrs. Kalyani Deshpande would submit that the applicant is entitled to bail considering the extremely limited role attributed, and the absence of material, to at this stage infer common intention.

4. In rebuttal, the learned Additional Public Prosecutor Mrs. Kalyani Deshpande points out that as many as nineteen offences or preventive actions are registered/initiated against the applicant prior to the incident.

5. I have perused the crime chart. The offences against body which are registered are two. The first is under Section 323 of the IPC and the second is under Section 326 of the IPC, both in 2018. The cases which are registered thereafter are mostly under the Prohibition Law.

6. Considering the limited role attributed, and the nature of material on record, I am not inclined to refuse bail on the ground of the earlier criminal antecedents. However, stringent conditions shall have to be imposed.

7. The application is allowed.

8. The applicant shall be released on bail on executing personal bond of Rs.16,000/- (Rupees Sixteen Thousand) with a solvent surety of like amount.

9. The applicant shall not indulge in any criminal activity while on bail. Even a single default or breach shall *ipso facto* entail cancellation of bail.

10. The applicant shall not make any attempt to

tamper with the evidence or to influence witnesses, directly or indirectly.

11. The applicant shall attend each date of hearing scrupulously.

12. The applicant shall not leave the country without the permission of the trial Court.

JUDGE

adgokar