

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

CRIMINAL APPLICATION (BA) NO. 1259 OF 2021

(Santosh s/o Bapuji Portet ..vs.. State of Maharashtra, through PSO, PS Reguntha, District Gadchiroli)

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

Court's or Judge's orders

Mr. A.C. Jaltare, Counsel for the applicant,
Mr. M.K. Pathan, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 20-12-2021

The applicant allegedly assaulted Mr. Somayya with vegetable knife.

2. On the basis of report lodged by Mr. Somayya on 26-8-2020 Crime 03/2020 is registered with Police Station Reguntha, Tahsil-Sironcha, District-Gadchiroli for offences punishable under Sections 307 and 201 of the Indian Penal Code (IPC). Section 201 of the IPC is invoked on the premise that the applicant washed the blood stains on the vegetable knife, which is recovered pursuant to statement under Section 27 of the Indian Evidence Act.

3. Even according to the prosecution, the incident which occurred on 26-8-2020 is a fall out of a dispute between relatives as regards the partition of agricultural property. Injured Mr. Somayya is the brother of the applicant's father-in-law.

4. The medical papers indeed refer to three lacerated wounds on the cheek, neck and the upper chest. While there is *prima facie* material in the form of the evidence of the injured, corroborative evidence of the eyewitness, and the other material, I note that the investigation is complete and the charge-sheet is filed and it is not the case of the prosecution that the applicant has criminal antecedents or that he shall not be available to face the trial.

5. The applicant is in custody since 27-8-2020 and considering the pressure of the pending cases, an immediate trial may not be possible. The prosecution does apprehend that given the bad blood between the families, if the applicant is released on bail, there may be further untoward incident or the applicant may possibly influence or pressurize the witnesses. This apprehension can be allayed by imposing stringent conditions.

6. The application is allowed.

7. 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.

8. Till all the material witnesses are examined, the applicant shall not enter the territorial limits of Tahsil Sironcha unless he is permitted to do so by the learned trial Judge for just and exceptional reasons. Any breach

of this condition shall *ipso facto* entail cancellation of bail.

9. The applicant shall attend every date of hearing scrupulously. Even a singular breach, unless condoned or exempted by the learned trial Judge, may entail cancellation of bail.

10. The applicant shall not indulge in any criminal activity while on bail.

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

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

JUDGE

adgokar