

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

CRIMINAL APPLICATION (BA) NO. 1286 OF 2021

(Rahul Janardhan Soor ..vs.. State of Maharashtra, through its PSO, PS Maregaon, Yavatmal)

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

Court's or Judge's orders

Mr. A.A. Dhawas, Counsel for the applicant,
Mr. N.R. Rode, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 20-12-2021

The applicant is arraigned as accused in Crime 269/2021 registered at Maregaon Police Station, District Yavatmal for offence punishable under Section 307 of the Indian Penal Code.

2. The accusation is that the applicant inflicted a blow on the head of the informant Mr. Anil Derkar with a heavy stone.

3. It is further alleged that the applicant made a second attempt to assault Mr. Anil Derkar. However, Mr. Anil Derkar pushed the applicant and the stone fell on the thigh of Mr. Anil Derkar.

4. While the charge-sheet is not submitted as yet, perusal of the case diary shows that the investigation appears to be complete. The learned Additional Public Prosecutor Mr. N.R. Rode fairly does not dispute that the investigation is virtually over.

5. All the statements are recorded including under Section 164 of the Code of Criminal Procedure. The stone is seized from the spot and is sent for chemical analysis.

6. The applicant claims that he is suffering from psychological disorder and in support thereof has placed on record certain prescriptions issued by Dr. Bhute of the Psychiatrist Department of the Treat Me Hospital, Nagpur. This was also the assertion in the bail application which the learned Sessions Judge rejected. The learned Sessions Judge reasoned that firstly there is no documentary material to substantiate the ailment and secondly, if that be correct, the applicant is a threat.

7. The applicant has no criminal antecedents and considering the overall circumstances including the fact that the injury has fortunately not turned out to be serious, that the investigation is virtually complete and that there is some material to show that the applicant may not be a well adjusted personality, I am inclined to grant bail.

8. However, the apprehension of the prosecution that releasing the applicant on bail may lead to further untoward incident, is not entirely unjustified. I propose to allay the apprehension by imposing stringent conditions.

9. The application is allowed.

10. 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.

11 Till all the material witnesses are examined, the applicant shall not enter the territorial limits of village Maregaon 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.

12. 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.

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

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

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

JUDGE

adgokar

Digitally signed by PRAFULLA
MANOHARRAO ADGOKAR
Signing Date: 20.12.2021 17:15