

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

CRIMINAL APPLICATION (BA) NO. 1292 OF 2021

(Sonu @ Sandas Sujitsingh Thakur ..vs.. State of Maharashtra, through PSO, PS Awadhutwadi,
Yavatmal)

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

Court's or Judge's orders

Mr. V.D. Darne, Counsel for the applicant,
Mrs. Kalyani Deshpande, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 20-12-2021

The applicant and three others are arraigned as accused in Crime 744/2021 registered with Awadhutwadi Police Station, Yavatmal for offences punishable under Sections 307, 323, 294 and 506 read with Section 34 of the Indian Penal Code (IPC).

2. It is common ground that the applicant is the only accused in custody and the others are released on bail.

3. The incident occurred on 14-7-2021. The injured is Amit Yadav who lodged report alleging that the applicant kicked the two wheeler which he was riding and when Amit Yadav protested, the co-accused assaulted him with fists and blows and the applicant whipped out a knife and dealt a blow on the head.

4. The investigation is complete and the charge-

sheet is filed. The applicant has no criminal antecedents.

5. The submission of the learned Counsel for the applicant is that the injured is a history-sheeter and my attention is invited to the information available on the website of the E-Court Services which reveal that Amit Yadav is indeed facing many prosecutions. Be that as it may, the counter narrative is that Amit Yadav assaulted the younger brother of the applicant prior to the incident, the applicant knew Amit Yadav and he met him to put a quietus to the dispute, an altercation ensued since some co-accused slapped Amit Yadav, it was Amit Yadav who asked his friend to take out the knife from the vehicle, and during the course of the scuffle the knife hit the head of Amit Yadav.

6. It would ultimately be for the trial Court to take a call on the genesis and the nature of the incident. However, even according to the injury report, the injury is simple.

7. Considering the overall circumstances, particularly the fact that the applicant has no criminal antecedents and is not shown to be a flight risk, I am inclined to grant bail.

8. The application is allowed.

9. 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.

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