

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.65 OF 2022

(MANOJ PUNDLIKRAO GAIKWAD...VS.. STATE OF MAH. THR. PSO PS JALALKHEDA, DIST.:
NAGPUR)

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

Court's or Judge's orders

Shri P.S.Tidke, Advocate for Applicant.
Shri S.D.Sirpurkar, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : FEBRUARY 14, 2022.

1. This is an application under Section 438 of the Code of Criminal Procedure for grant of bail in the event of arrest in Crime No.1 of 2022, registered with Police Station, Jalalkheda, District : Nagpur, for the offences punishable under Sections 307, 504, 506 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that on 31/12/2021 the informant and one Atul Malapure had been to fill petrol at Indarvada Petrol Pump and while returning back to their village at about 07:45 p.m. the applicant and one Sunil Narnaware had called him and stopped his vehicle, whereupon Sunil Narnaware demanded an amount of Rs.1,200/- from the complainant and thereafter the applicant caught hold the hand of the complainant from his backside and Sunil Narnaware inflicted knife blow on the left side of his chest, due to which the complainant has sustained injury. Thereupon, the complaint came to be filed.

3. Heard learned counsel for the applicant and the learned A.P.P. for the non-applicant/ State.

4. Shri Tidke, learned counsel for the applicant argues that the only allegation in the complaint is that when the other accused Sunil Narnaware inflicted blow of knife on the chest of the complainant, the applicant had caught hold the hand of the complainant from backside. It is further submitted that the police wanted his custody only for the purpose of recovering knife and therefore, he submits that the applicant may be released on bail in the event of his arrest in the alleged crime.

5. On the other hand, Shri Sirpurkar, learned A.P.P. opposed the application.

6. The learned A.P.P. has made available the case diary for perusal and on perusal of the case diary it is revealed that during the investigation the police have recorded statements of the witnesses and as the offence is very serious and looking to the role played by the applicant, I am of the opinion that the custodial interrogation, as sought by the police, is necessary. As such, I am not inclined to allow the present application. Accordingly, I pass the following order:

The application is **rejected**.

JUDGE