

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

CRIMINAL APPLICATION (BA) NO. 215 OF 2022
Purnachandramani @ Chandramani Domaji Nagrare and
another...Versus...State of Maharashtra and another

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

Court's or Judge's orders

Mr. V.R.Baseshankar, Advocate for the applicants
Ms. Shamsi Haider, APP for respondent No.1/State
Ms. Mitisha Kotecha, Advocate for respondent No.2/complainant

CORAM : AVINASH G. GHAROTE, J.
DATE : 22/03/2022

1] Heard Mr. Baseshankar, learned counsel for the applicant and Ms. Haider, learned APP for respondent No.1/State.

2] The applicants are arraigned for the offence under Sections 307, 353, 332 r/w Section 34 of the IPC. The date of the incident is 10.2.2022 at 4.30 p.m. The FIR has been lodged on 11.2.2022 at 5 p.m. The applicants have been arrested on 11.2.2022.

3] Mr. Baseshankar, learned counsel for the applicants submits that the applicants have been falsely implicated in the aforesaid offence, as even the FIR (page 15) does not disclose the applicability of Section 307 of the IPC. That apart, he submits that in order to show the bonafides,

the applicant No. 1 has already regularized the account with the SBI, for which a pursis has been placed on record.

4] Learned App opposes the application and submits that the intent to commit the offence under Section 307 of the IPC is apparent from the FIR, for the reason that had the person accompanying the complainant not stopped the blow by his hand, the same would have landed on the head of the complainant, thereby causing grievous injury. She therefore submits that the intent is there and the application needs to be rejected.

5] Perusal of the FIR indicates that on the fateful day, the complainant who is the Assistant Manager of the SBI, Regional Office, had been to the residence of the applicant no.1 along with one Amit Shendre to enquire about the recovery of the loan taken by the mother-in-law of the applicant no.1 for purchase of four-wheeler, as the same had become irregular. Since there was no one in the house, the applicant was called upon by telephone and asked to come. When the applicants had reached the house, it is alleged that on the demand of regularizing the loan account, one person is said to have assaulted the complainant by way of an iron rod on the head which was obstructed to by Mr. Amit Shendre, by placing his hand in between and it is further alleged that another assault was sought to be made on the

head of Mr. Amit Shendre which was obstructed by the complainant by his hand, which got fractured. It is however material to note that the case diary does not indicate any such fracture of the hand as is sought to be alleged. Though there is a memorandum under Section 27 of the Evidence Act at the behest of the applicant no.1, whereunder an iron rod has been seized, however, considering the injury report and the case diary, I do not consider it to be an appropriate case to continue the further incarceration of the applicants, as a prima facie case for bail is made out. Hence the following order.

O R D E R

- i] Application is allowed.
- ii] Applicant No. 1 – Purnachandramani @ Chandramani Domaji Nagrare and applicant No. 2 Rajesh Ramesh Karve be released on bail in Crime No. 54/2022 registered with Police Station Kuhi, District Nagpur, for offence under Sections 307, 353, 332 r/w Section 34 of the IPC, on executing PR bond in the sum of Rs. 1,00,000/- with two solvent sureties of the like amount by each applicant.
- iii] The applicants shall not tamper with the prosecution evidence or try to undue influence the prosecution witnesses, directly or indirectly.

iv] The applicants shall attend the concerned Police Station on every Sunday between 12.00 noon to 4.00 p.m till the charge-sheet is filed and shall assist the prosecution in all respect.

v] On the charge-sheet being filed, the applicants shall attend each and every date of the Sessions trial and shall ensure that the trial is not protracted on their count.

vi] Any violation of any of the conditions shall result in cancellation of bail.

6] Criminal application, if any, shall stand disposed of accordingly.

JUDGE

Rvjalit