

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

CRIMINAL APPLICATION (BA) NO. 363/2022
Amol Babanappa Deshmane..Versus...State of Maharashtra

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

Court's or Judge's orders

Mr. R.S.Kurekar, Advocate for applicant.
Mr.I.J.Damle, APP for Non-applicant/State

CORAM : AVINASH G. GHAROTE, J.

DATE : 05/05/2022

1] Heard Mr. Kurekar, learned counsel for the applicant and Mr. Damle, learned APP for non-applicant/State.

2] The applicant has been arraigned for the offence under Sections 307 and 504 of the IPC, in Crime No. 71/2022.

3] Mr. Kurekar, learned counsel for the applicant submits that the applicant has been falsely implicated. The statements of the complainant as well as that of Sharad Gondal are not consistent with the nature of injury which are said to have been sustained by victim Sachin and therefore, the applicant is entitled to bail.

4] Learned APP opposes the application and submits

that the statement of the victim and that of Sharad Gondal indicates the involvement of the applicant in the aforesaid crime and therefore the application be rejected.

5] The incident is dated 22.3.2022 on which date at about 9.00 p.m., the applicant, who is claimed to be in an inebriated condition upon a tiff with the complainant Nitin Bobde, is said to have pushed him down and assaulted him on the back, stomach and thigh with a knife, as a result of which, the victim Nitin Bobde was required to take treatment. The statement of Sharad Pralhadappa Gondal is in consonance with the statement of Nitin. However, the MLC dated 24.3.2022 only indicates blunt trauma to left side of chest and bleeding from the ear. There is no injury which can be said commensurate to the nature of assault attributed to the applicant. Therefore, there is contradiction between the statement and nature of injury, considering which a case for bail is made out, however, on stringent condition.

ORDER

- 1] Applications are allowed.
- 2] Applicant Amol Babanappa Deshmane released on bail in Crime No. 71/2022 registered by the Police Station Jaulka, District Washim, for offence under Sections 307 and 504 of the IPC, on furnishing PR bond in the sum of Rs.1,00,000/- with two solvent sureties in the like amount.

3] The applicant shall not tamper with the prosecution evidence and shall not undue influence the prosecution witnesses in any manner.

4] The applicant shall attend the concerned Police Station on Monday and Thursday of each week between 1.00 p.m. to 4.00 p.m. till the charge-sheet is filed.

5] Upon the charge-sheet being filed, the applicant shall attend the trial Court on each and every date and ensure that the trial is not protracted on his count.

6] While on bail, the applicant shall not indulge into any similar offence or for that matter any offence of whatsoever nature.

7] The applicant shall not enter the territorial limits of taluka Malegaon and shall keep his whereabouts, place of residence and mobile number informed to the IO as well as the learned Sessions Court.

8] Any violation shall result in cancellation.

Rvjalit

JUDGE