

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

CRIMINAL APPLICATION (BA) NO.367/2022

Mohammad Adil s/o Mohammad Shakil

...Versus...

State of Maharashtra Through P.S.O. Nagpuri Gate, Amravati, Dist. Amravati

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

Court's or Judge's orders

Shri Mahesh Rai, Advocate for applicant
Shri A.R. Chutke, APP for non-applicant/State

CORAM : AVINASH G. GHAROTE, J.

DATE : 28/04/2022

1. Heard Shri Rai, learned Counsel for the applicant and Shri Chutke, learned Additional Public Prosecutor for the non-applicant/State.

2. The applicant has been arraigned for the offence punishable under Sections 294, 452 and 307 r/w 34 of Indian Penal Code in Crime No.144/2022, registered with Police Station Nagpuri Gate, Tq. and Distt. Amravati. The incident is dated 24/02/2022. The applicant has been arrested on 25/02/2022.

3. Shri Chutke, the learned Additional Public Prosecutor for the non-applicant/State, upon instructions,

submits that the charge-sheet is likely to be filed within a week.

4. Shri Rai, learned Counsel for the applicant submits, that the applicant has been falsely implicated. The injury is not on any vital part of the body. The applicant is behind bars since last more than two months and considering the nature of the offence, he is entitled for bail.

5. Shri Chutke, the learned Additional Public Prosecutor for the non-applicant/State opposes the application and submits that the applicant has caused a grievous injury to his step-mother and in case the applicant is released, there is every likelihood of his repeating the incident, considering his inimical relations with the complainant and therefore the application be rejected.

6. Statement of Shahin Bano, the sister of the complainant indicates that the complainant is the step-mother of the applicant, who has married to the father of the applicant, on account of which, the applicant appears to have a grudge against the complainant. On 24/02/2022, the applicant is claimed to have assaulted the complainant, on the left leg with a knife, which has resulted in three injuries to the complainant. Considering the nature of the injuries, which are not on a vital part of the body, in my considered opinion, the

applicant would be entitled for bail, however, in view of the inimical relations, some stringent conditions need to be put. Hence, the following order.

ORDER

(i) The criminal application is allowed. The applicant Mohammad Adil s/o Mohamad Shakil be released on bail in Crime No.144/2022 for the offence punishable under Sections 294, 452 and 307 r/w 34 of Indian Penal Code in Crime No.144/2022, registered with Police Station Nagpuri Gate, Tq. and Distt. Amravati on his furnishing PR. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two solvent sureties in like amount.

(ii) The applicant shall not directly or indirectly make any attempt to influence the prosecution witnesses or otherwise tamper with the evidence.

(iii) The applicant shall attend the concerned police station on every Monday between 5:00 p.m. to 8:00 p.m. till the filing of the charge-sheet. After the charge-sheet is filed, the applicant shall attend on each and every date before the learned Sessions Court.

(iv) Till the completion of trial, except on the dates, on which the applicant is required to attend the Court and Police Station the applicant shall not enter the Amravati City and shall reside outside and will also communicate his

address of residence and mobile number to the Investigating Officer and also the Court.

(v) Violation of any of the above conditions shall result in cancellation of bail.

(AVINASH G. GHAROTE, J.)

Wadkar