

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

Criminal Application (BA) No. 471 of 2022

Sharad S/o Suresh Guntikwar

Versus

The State of Maharashtra, through Police Station Officer,
Tah. Bhadrawati, Dist. Chandrapur

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

Court's or Judge's Order

Shri S.V.Sirpurkar, Advocate for the applicant.

Shri T.A. Mirza, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 5th August, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 477 of 2021 registered with Police Station Bhadrawati, Dist. Chandrapur for the offence punishable under Sections 307 and 504 of Indian Penal Code.

2. Shri Sirpurkar, learned counsel for the applicant submits that considering the injuries which were not on vital part, it can be said that there was no intention to kill the complainant. He further submits that incident took place on 5th November, 2021 at about 20.30 to 21.00 hours and First Information

Report was registered on 6th November, 2021 at 04.53 hours. Thus, he submits that there is a delay in lodgement of First Information Report.

3. He further argues that the injured was discharged from hospital within four days and therefore though the injury report shows that the injuries are grievous, it cannot be considered as grievous.

4. He lastly argues that investigation is over and chargesheet has been filed and as such further custody of the applicant is not necessary.

5. On the other hand, learned Additional Public Prosecutor strongly opposed the application.

6. I have perused the chargesheet and the First Information Report.

7. The injury report shows that there are two puncture wounds. One wound on the left shoulder and one wound on the back. Both the injuries are grievous. Injured was discharged from the hospital after four days.

8. In this case the chargesheet has been filed and the investigation is over. The applicant is in jail from 6th November, 2021 i.e. for about nine months.

9. Thus, in the above referred backdrop, I am of the opinion that as the custody of the applicant is no more required and further looking to the fact that

injuries were not on the vital part, I am of the opinion that applicant is entitled for grant of bail. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that the applicants shall be released on bail in Crime No. 477 of 2021 registered with Police Station Bhadrawati, Dist. Chandrapur for the offence punishable under Sections 307 and 504 of Indian Penal Code, on furnishing P.R.Bond of Rs.25,000/- with a solvent surety in the like amount.
- iii. The applicant shall not enter the territorial jurisdiction of Bhadrawati Police Station till culmination of the trial, except for the trial.
- iv. The applicant shall provide his address and name of Police Station, which he shall attend on 1st of each month between 10 am to 11 am till culmination of trial.
- v. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not to tamper with the evidence;
- vi. State is at liberty to apply for cancellation of bail, in case the applicants commits similar offence and any breach of the conditions.

[ANIL S. KILOR, J.]

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.08.05
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