

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

Criminal Application (BA) No.514/2022

Rohit Godhe V State of Maharashtra thr PSO PS Hinganghat, Wardha

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

Court's or Judge's Orders

Mr. M. Rai, Advocate for applicant.

Mr. T.A. Mirza, APP for State.

CORAM : ANIL S. KILOR, J.
DATE : 20-06-2022

The applicant has approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.1018/2021 dated 02-11-2021 registered with Police Station Hinganghat, District Wardha for the offences punishable under Sections 307 and 504 of the Indian Penal Code.

2. The learned Counsel for the applicant submits that the applicant is in jail since November, 2021, whereas if the matter is considered on merits, it can be seen that the offence is under Section 307 of the IPC and the injured was discharged from the hospital in a single day. He, therefore, submits that as the custody of the applicant is not necessary and there is no possibility that the applicant may pressurize the prosecution witnesses, he prays for grant of bail.

3. The learned APP, on the other hand, strongly opposed the application and submits that the offence is serious. Accordingly, he prays for rejection of the bail application.

4. I have perused the chargesheet and the contents of the First Information Report (FIR), which show that the investigation is over and the custody of the applicant is not necessary. The applicant is in jail since November, 2021. After perusal of the injury certificate it is revealed that the injury was on the wrist and the applicant was discharged on next day.

5. In that view of the matter and in view of the fact that there is nothing to show that if the applicant is released on bail he would pressurize the prosecution witnesses or tamper the prosecution evidence and/or he will not be available for the trial. I am of the opinion that the applicant is entitled for grant of bail with certain stringent conditions. Accordingly, I pass the following order :-

ORDER

- i) Application is allowed.
- ii) The applicant in Crime No.1018/2021 dated 02-11-2021 registered with Police Station Hinganghat, District Wardha for the offences punishable under Sections 307 and 504 of the Indian Penal Code, be released on bail

on furnishing P.R. Bond of Rs. 15,000/- with one solvent surety in the like amount.

iii) The applicant shall not enter within the vicinity of Hinganghat till the completion of trial, except for the purposes of attendance in trial.

(Anil S. Kilor, J.)

Deshmukh