

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

Criminal Application (BA) No.572/2022

Ravi Ugarija V State of Maharashtra thr PSO PS Hudkeshwar, Nagpur

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

Court's or Judge's Orders

Shri R.K. Tiwari, Advocate for applicant.

Shri A.M. Deshpande, APP for State.

CORAM : ANIL S. KILOR, J.

DATE : 29-06-2022

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.0016/2022 dated 08-01-2022 registered with Police Station Hudkeshwar, District Nagpur city for the offences punishable under Sections 302, 324, 504 read with Section 34 of the Indian Penal Code.

2. The learned Counsel for the applicant submits that by the time when the applicant reached the spot of the incident, the accused no.1 had already inflicted stab blows to the deceased, with knife and assaulted him. He submits that there is no allegation against the applicant that he had played any role in the alleged offence or he had assaulted the deceased. He has pointed out the statements of witnesses for the said purpose.

3. He submits that in this case the chargesheet has already been filed and as such the custody of the applicant is not necessary. He further argues that nothing has been recovered from the applicant. In the circumstances, he prays for grant of bail.

4. On the other hand, learned APP strongly opposed the application and submits that in the FIR there is a specific allegation that after the incident took place, wherein the accused no.1 inflicted stab blow to the deceased by knife and thereafter applicant reached the spot and assaulted the deceased. He, therefore, submits that this Court may not grant bail to the applicant.

5. He further points out that the complaint was received from the mother of the deceased in the month of March 2020, alleging that some unknown persons came and pressurized her. Accordingly, he submits that if the applicant is released on bail, there is every possibility that he will pressurize the prosecution witnesses and in that case there will be no fair trial.

6. I have perused the chargesheet, First Information report and the reply of the learned APP.

7. The statements of witnesses prima facie show that the applicant came on the spot after the alleged incident of stabbing the deceased, took place. No specific role is attributed to the applicant and nothing has been recovered from the applicant in

the alleged offence. Thus, considering the evidence collected by the Investigating Officer, I am of the opinion that as the further custody of the applicant is not necessary, the applicant is entitled for grant of bail by putting some stringent conditions. Accordingly, I pass the following order:-

ORDER

- i) Application is allowed.
- ii) The applicant in Crime No.0016/2022 dated 08-01-2022 registered with Police Station Hudkeshwar, District Nagpur city for the offences punishable under Sections 302, 324, 504 read with Section 34 of the Indian Penal Code, be released on bail on furnishing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- iii) The applicant shall provide his address to the concerned Police Station and attend the Ajani Police Station on first day and 16th day of every month between 10.00 am to 12.00 noon, till the culmination of trial.
- iv) The applicant shall not enter within the vicinity of Hudkeshwar, Nagpur, till completion of trial, except for the purposes of attendance in trial.

(Anil S. Kilor, J.)