

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

CRIMINAL APPLICATION (BA) NO.617 OF 2022

Rohit S/o Kishor Suryawanshi and another

Versus

State of Maharashtra, through P.S.O., P.S. Samudrapur, Tah. Samudrapur, Dist.
Wardha

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

Court's or Judge's Order

Shri S.N. Nandeshwar, Advocate for the applicants.

Ms Shamsi Haider, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 21/06/2022

1. At the outset, Shri Nandeshwar, learned counsel for the applicants withdraws the present application in respect of applicant No.1-Rohit S/o Kishor Suryawanshi with liberty to move a fresh application after filing of the charge-sheet.

2. Permission is granted with liberty as sought for.

3. The applicant No.2-Kishor S/o Lakshman Suryawanshi is seeking bail in Crime No.275 of 2022, dated 18.05.2022, registered with Police Station Samudrapur, District: Wardha, for the offences punishable under Sections 324, 326, 504 and 506 read with Section 34 of the Indian Penal Code.

4. As far as the applicant No.2 is concerned, learned counsel for the applicants submits that except presence of the applicant No.2 at the time of incident, there is no role is attributed.

5. He further submits that even the injury caused to the complainant was because of the alleged assault by the applicant No.1. He therefore submits that the applicant No.2 is falsely implicated in the alleged offence, out of rivalry.

6. It is submitted that the applicant No.2 is in jail since last more than one month and looking to his role, his further custody is not necessary. Accordingly, he prays for grant of bail to the applicant No.2.

7. On the other hand, Ms Shamsi Haider, learned APP opposes the present application and submits that the applicant No.2 was also holding a knife from which the intention can be seen. She further submits that there is sufficient material against the applicant No.2 to show his involvement. Accordingly, she prays for rejection of the present application.

8. I have perused the Case Diary and also the contents of the First Information Report (FIR).

9. In the FIR, except the fact that the applicant No.2 was present at the spot, no role is attributed to him. So there are no allegations that he assaulted the injured /complainant. In the circumstances, I am of the opinion that the applicant No.2 is entitled for grant of bail. Accordingly, I pass the following order:

- a) The criminal application qua-applicant No.1- Rohit S/o Kishor Suryawanshi is concerned is **disposed of** as withdrawn.
- b) The criminal application qua-applicant No.2- Kishor S/o Lakshman Suryawanshi is **allowed**.
- b) It is directed that the applicant No.2 - Kishor S/o Lakshman Suryawanshi shall be released on bail in Crime No.275 of 2022, registered with Police Station Samudrapur, District: Wardha, for the offences punishable under Sections 324, 326, 504 and 506 read with Section 34 of the Indian Penal Code, the applicant shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant No.2 shall attend the concerned Police Station on the 15th and 16th day of every months during 10.00 a.m. to 12.00 noon, till the culmination of the trial.

- d) The applicant No.2 shall not tamper with the prosecution witnesses.
- e) The applicant No.2 shall not leave the jurisdiction of the concerned Police station without permission of the Court.
- f) The State is at liberty to file application for cancellation of bail in case, the applicant No.2 repeats the offence.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]