

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

Criminal Application (BA) No. 727 of 2022

Tejas S/o Damodhar Tangade

Versus

The State of Maharashtra, through Police Station Officer, Police Station
Gadchiroli, Tah. & District Gadchiroli

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

Court's or Judge's Order

Shri Madhur Deo, Advocate for the applicant.

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

CORAM : ANIL S. KILOR, J.

DATED : 12th JULY, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 72 of 2022 dated 3rd February, 2022 registered with Police Station Gadchiroli Dist. Nagpur for the offence punishable under Section 302 of Indian Penal Code.

2. The learned counsel for the applicant submits that even if the First Information Report is considered, it is a case of self-defence. He further submits that it was not a pre-meditated crime but it has taken place in a spur of moment. He lastly submits that after completion of investigation, the chargesheet has

been filed and the custody of the applicant is not further required. Accordingly, he prays for grant of bail.

3. On the other hand, learned Additional Public Prosecutor strongly opposed the application and submits that the offence is serious one. Considering the incriminating material collected by the Investigating Officer during the investigation, the bail application of the applicant may be rejected.

4. I have perused the chargesheet, First Information Report and the reply filed by the Additional Public Prosecutor.

5. On perusal of the contents of First Information Report, it can be seen that deceased tried to attack the applicant with axe and in response to the same, he gave blows of hammer on the head of the deceased. The quarrel took place between the applicant and deceased because of demand of money by the deceased for liquor. Thus, it can be seen that it was not pre-meditated crime.

6. In this case the investigation is over and the chargesheet has already been filed, the custody of the applicant is not required. There are no antecedents to the discredit of the applicant.

7. Moreover, there is nothing to show that the applicant would pressurize the prosecution witnesses or

tamper with the prosecution evidence or he will not be available for trial.

8. In that view of the matter, I am of the opinion that the applicant is entitled for grant of bail. Accordingly, I pass the following order.

ORDER

- i. Criminal application is allowed;
- ii. It is directed that the applicant shall be released on bail in Crime No. 72 of 2022 dated 3rd February, 2022 registered with Police Station Gadchiroli, District Gadchiroli for the offence punishable under Section 302 of the Indian Penal Code, on furnishing P.R.Bond of Rs.25,000/- with one solvent surety in the like amount;
- iii. The applicant shall attend the concerned police station on 1st day of every month between 10 am to 11 am till the conclusion of the trial;
- iv. 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 tamper with the evidence.

[ANIL S. KILOR, J.]

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by
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Date: 2022.07.15
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