

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

CRIMINAL APPLICATION (BA) NO.764 OF 2022

Gaurav S/o Sureshprasad Dubey

Versus

State of Maharashtra, through P.S.O., P.S. Kalamna, Nagpur

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

Court's or Judge's Order

Shri Nitesh Samundre, Advocate for the applicant.

Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 26/07/2022

1. The applicant is seeking bail in Crime No.70 of 2022, dated 26.01.2022, registered with Police Station Kalamna, District: Nagpur, for the offences punishable under Sections 307, 341, 120-B and 504 read with Section 34 of the Indian Penal Code and Sections 4 and 25 of the Arms Act and Sections 135 of the Maharashtra Police Act.

2. Shri Samundre, learned counsel for the applicant submits that, no role is attributed against the applicant in the alleged offence and despite the same, he has been falsely implicated in the alleged offence.

3. He further submits that, the applicant is a student and is in jail from last seven months and as the charge-sheet has been filed, further custody of the applicant is not necessary.

4. The learned counsel for the applicant points out that if the allegations are considered, no offence is made out against the applicant. Accordingly, he prays for grant of bail.

5. In support of his submission, he has placed reliance on a judgment of Co-ordinate Bench of this Court in the case of *Sunny S/o Iswar Maskare Vs. State of Maharashtra*, dated 25.08.2021, passed in Criminal Application (BA) No.750 of 2021.

6. On the other hand, Shri S.D. Sirpurkar, learned APP strongly opposes the present application and submits that considering the seriousness of the offence and the character of evidence collected during the investigation, this Court may not grant bail to the applicant.

7. Furthermore, he submits that if the applicant is released on bail, he may pressurize the prosecution witnesses and in that case, there will be no fair trial.

8. I have perused the Charge-sheet and First Information Report (FIR).

9. The injury report shows that there are as many as 23 injuries and out of this, 17 are grievous injuries namely incised wounds. The injury report is sufficient to

show the seriousness of the offence. There is sufficient incriminating material available to show the involvement of the applicant in the alleged offence. The wife of the injured was an eye witness and she has stated the incident in detail in her statement.

10. Thus, considering the incriminating material available on record, I am of the opinion that there is every possibility that if the applicant is released on bail, he may pressurize the prosecution witnesses.

11. Considering the nature and seriousness of the offence and the character of evidence collected, furthermore, the severity of punishment which conviction will entail. I do not find any merit in this application for grant of bail.

12. As far as the order of the Co-ordinate Bench of this Court dated 25.08.2021 in the case of *Sunny S/o Iswar Maskare* is concerned, on facts the said order is of no help to the present applicant. Accordingly, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]