

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

Criminal Application (BA) No. 860 of 2022

Rameshwas S/o Hari Ambilduke and another

Versus

State of Maharashtra, through Police Station Officer, Police Station
Mouda, Nagpur

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

Court's or Judge's Order

Shri P.S.Jaiswal, Advocate for the applicant.

Shri Sagar Ashirgade, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 2nd August, 2022.

The applicants are seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 327 of 2022 registered with Police Station Mouda for the offence punishable under Sections 307, 324, read with 34 of Indian Penal Code.

2. Shri Jaiswal, learned counsel for the applicant submits that the investigation is almost completed. He therefore, submits that further custody of the applicants is not necessary and accordingly he prays for grant of bail.

3. Shri Jaiswal, learned counsel for the applicants tried to impress this Court by pointing out an agreement of sale that in fact the land on which the alleged incident took place was purchased by applicant no.1 and therefore, in pursuance of the same they are carrying out certain constructions on the said land and quarrel took place. He submits that considering the allegations made by both the parties against each other in counter FIR and the injuries caused to the members of both the groups, this Court may impose any condition as this Court deems fit.

4. On the other hand, learned Additional Public Prosecutor strongly opposed the application and submits that considering the seriousness of the offence this Court may not grant bail to the applicants.

5. I have perused the case diary and the First Information Report.

6. The present FIR was registered on 28th May, 2022 and thereafter the sufficient period has been lapsed. It appears that the investigation is almost completed. The weapons namely knife and stick have already been recovered from the applicants.

7. There are counter FIRs in this case and the agreement shows that Meerabai Rampala Ambilduke and Sanjay Rampala Ambilduke entered into an

agreement with the applicant no.1 for sale of house which is the spot of the incident.

8. It appears that, there was dispute relating to the house and the counter FIRs came to be lodged by both the parties against each other. In the alleged attack the members of both the groups got injured. Thus, in the above referred backdrop and considering the fact that the investigation is almost completed, I am of the opinion that further custody of the applicants is not necessary in this case.

9. As far as the apprehension expressed by the learned Additional Public Prosecutor that if the applicants are released on bail, they may pressurize the prosecution witness, the said apprehension can be addressed by imposing certain stringent conditions. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that the applicants shall be released on bail in Crime No. 327 of 2022 registered with Police Station Mouda, Nagpur (Rural) for the offence punishable under Section 307, 324 read with Section 34 of Indian Penal Code, on furnishing P.R.Bond of Rs.25,000/- each with a solvent surety in the like amount.

iii. The applicants shall not enter the territorial jurisdiction of Mouda Police Station till culmination of the trial.

iv. The applicants shall provide his address and name of Police Station, which they shall attend on 1st and 16th of each month between 10 am to 12 noon till culmination of trial.

v. The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not to tamper with the evidence;

vi. State is at liberty to apply for cancellation of bail, in case the applicants commits similar offence.

[ANIL S. KILOR, J.]

SACHINDANAND
K NAIR

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