

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

Criminal Application (BA) No. 878 of 2022

Amar S/o Hanuman Pendor

Versus

State of Maharashtra, through its Police Station Officer, Police Station
Wani, Dist. Yavatmal, Maharashtra

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

Court's or Judge's Order

Shri S.M.Lodha, Advocate for the applicant.

Shri Amit Chutke, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 10th August, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 310 of 2021 registered with Police Station Wani, Dist. Yavatmal for the offence punishable under Sections 307 read with Section 34 of Indian Penal Code.

2. Learned counsel for the applicant submits that even if the allegations are taken on its face value, no blow was inflicted by the applicant, by knife. It is submitted that, the only allegation is that, the applicant instigated the other accused persons to assault the complainant.

3. He further submits that except one injury, all other four injuries were of simple in nature. He lastly argues that in this case the investigation is completed and the chargesheet has been filed. Accordingly, further custody of the applicant is not necessary.

4. On the other hand, learned Additional Public Prosecutor strongly opposed the application and submits that sufficient incriminating material has been collected during the investigation and considering the same, this Court may not grant bail to the applicant. Accordingly, he prays for rejection of the present application.

5. In the above referred backdrop, I have perused the chargesheet and the First Information Report.

6. In this case, the injury no.1 is grievous whereas, other four injuries are of simple in nature. It is true that in the First Information Report, the allegations are that other accused persons have inflicted blows by knife and there are no such allegations against the applicant. However, it cannot be ignored that it was on the instigation of the applicant.

7. Thus, in the above referred backdrop, considering the nature of injuries, the fact that the

chargesheet has already been filed and the fact that the applicant is in jail for one and half year, I am of the opinion that the applicant is entitled for grant of bail. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that the applicant shall be released on bail in Crime No. 310 of 2021 registered with Police Station Wani, Dist. Yavatmal for the offence punishable under Section 307 read with Section 34 of Indian Penal Code, on furnishing P.R.Bond of Rs.25,000/- with a solvent surety in the like amount.
- iii. The applicant shall attend the concerned police station on 1st day of every month between 9 am to 10 am till the culmination 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;
- v. State is at liberty to apply for cancellation of bail in case the applicant commits similar offence.

[ANIL S. KILOR, J.]

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