

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

Criminal Application (BA) No. 874 of 2022

Dharmendra Ramjiyawan Shahu

Versus

State of Maharashtra, through Police Station Officer, Police Station Sadar,
Nagpur Tq. Dist. Nagpur

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

Court's or Judge's Order

Shri M.N.Ali, Advocate for the applicant.

Shri V.A. Thakare, 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. 0495 of 2021 registered with Police Station Sadar, Nagpur for the offence punishable under Sections 307, 504 of Indian Penal Code and Section 135 of the Maharashtra Police Act.

2. Learned counsel for the applicant submits that in a fit of anger the alleged incident took place. However, there was no intention. He further submits that there is only one stab injury and injured was released within eight days from the hospital.

3. He lastly argues that in this case the investigation is over and the chargesheet has been filed as such further custody of the applicant is not necessary.

4. Shri Thakare, learned Additional Public Prosecutor strongly opposed the application and submits that offence is serious. Considering the nature of allegations he may not be released on bail.

5. I have perused the chargesheet and the First Information Report.

6. From the chargesheet, it can be seen that there is one stab wound.

7. The applicant is in jail since last about nine months and in this case the chargesheet has already been filed, as such further custody of the applicant is not necessary.

8. Thus, looking to the nature of injury, the allegations made in the First Information Report and the fact that the chargesheet has been filed, I am of the opinion that further custody of the applicant is not necessary. 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. 0495 of 2021 registered with Police Station Sadar, Nagpur for the offence punishable

Sections 307, 504 of Indian Penal Code and Section 135 of the Maharashtra Police Act, on furnishing P.R.Bond of Rs.25,000/- with a solvent surety in the like amount.

iii. The applicant shall not enter the territorial jurisdiction of Nagpur till culmination of the trial.

iv. The applicant shall provide his address and name of Police Station, which he shall attend on 1st each month between 9 am to 10 am till culmination of trial.

v. 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;

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

[ANIL S. KILOR, J.]