

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

CRIMINAL APPLICATION (BA) NO.1052 OF 2022

Prakash Rambhau Navghare **Versus** State of Maharashtra, through P.S.O., Asegaon,
Tq. Mangrulpir, Dist. Washim.

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

Court's or Judge's Order

Shri Atharva Hastak, Adv. h/f Shri S.V.Sirpurkar, Advocate for the
applicant.

Shri S.M.Ghodeswar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 20/09/2022

Heard.

2. The applicant is seeking bail in Crime No. 188/2021, dated 28/05/2021, registered with Police Station Asegaon, Tq. Mangrulpir, District: Washim, for the offences punishable under Sections 307, 323, 504, 498A of the Indian Penal Code, 1860.

3. It is the case of the prosecution that, the informant lodged the report on 28/05/2021, stating that on 27/05/2021 at 12.00 midnight, he was present in his house along with his parents and brother. At that time, his father assaulted his mother. Therefore, the informant along with his mother went to sleep in the house of Gajanan Navghare.

4. On 28/05/2021 in the morning, at 8.00 a.m., the informant made a phone call and called his uncle Dnyaneshwar to come to Sarsi village as they were not willing to reside in his house along with his father. At that

time, the accused came there and snatched his phone and got annoyed, then he took one axe and started assaulting the mother of the informant. In the said assault, she got injured. Accordingly, the offence was registered. It appears from the prosecution story that the assault was not pre-meditated and it took place in a fit of rage.

5. The applicant is in jail from the last one and half years and after completion of investigation, the charge-sheet has already been filed as such, further custody of the applicant is not necessary.

6. In the above referred circumstances, though the learned APP strongly opposing the present application, I am of the opinion that, the applicant is entitled for grant of bail by putting some stringent conditions. Accordingly, I passing the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in connection with Crime No. 188/2021, dated 28/05/2021, registered with Police Station Asegaon, Tq. Mangrulpir, District: Washim, for the offences punishable under Sections 307, 323, 504, 498A of the Indian Penal Code, 1860, the applicant shall be released on bail on furnishing P.R. Bond of Rs.20,000/- with one solvent surety in the like amount.
- c) The applicant shall not enter into the territorial jurisdiction Tahsil Mangrulpir, Dist. Washim, till the culmination of the trial, except for trial.

- d) The applicant shall provide his address along with name of the nearby Police Station and shall attend the concerned Police Station on 1st of each month between 10.00 a.m. to 12.00 noon, till the culmination of the trial.
- e) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]