

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.1142 OF 2022

Vishal Pravin Ramteke Vs. State of Maharashtra, PSO, PS Nandgaon Peth, Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mrs. Alveena N.A. Khan, Advocate for applicant.
Shri S.M. Ghodeswar, APP for non-applicant/respondent.

CORAM : G.A. SANAP, J.
DATE : NOVEMBER 09, 2022.

The applicant has been arrested in crime bearing No.66/2022 registered with Police Station, Nandgaon Peth, Amravati for the offences punishable under Sections 302, 307 of the Indian Penal Code (for short, 'IPC').

2. It is the case of the applicant-accused that he has been falsely implicated in this case. He has not committed any crime. The charge-sheet has been filed. His detention is not necessary for the custodial interrogation. The deceased was history-sheeter. The evidence on record clearly indicate that there was no intention on the part of the accused to kill deceased. The applicant is ready to abide by the conditions that may be imposed by the Court.

3. The Investigating Officer has filed reply and opposed the application. It is contended that the learned Additional Sessions Judge has recorded cogent reasons for rejecting the bail application. According to the prosecution, intention of

the applicant-accused has been clearly spelt out from the material compiled in the charge-sheet. The accused inflicted multiple injuries on the person of the deceased with knife. There are eye witnesses to the incident. The possibility of tampering with the prosecution evidence cannot be ruled out.

4. I have heard learned advocate for the applicant and learned APP for the non-applicant/State.

5. Learned advocate took me through the statements of the eye-witnesses. Learned advocate on the basis of facts disclosed by the eye-witnesses submitted that the act even if assumed to have been committed by the applicant, would fall within the general exception provided in the IPC. Learned advocate submitted that statement of Jay alias Prashik Wasnik clearly indicates that whatever the applicant has done was in exercise of right of private defense and his body. He further submitted that the charge-sheet has been filed. It is pointed out that the trial may take its own time therefore detention of the applicant may not be warranted in the case. He submitted that the applicant-accused is a student. He further submitted that he was made to face this unfortunate situation due to the act of the deceased and his friends.

6. Learned APP for the non-applicant submitted that the prosecution has serious apprehension that if the applicant is released on bail he would pressurize the prosecution

witnesses. Possibility of tampering with the prosecution witnesses cannot be ruled out. Learned APP submitted that the trial is at the stage of framing of charge and therefore it would not take time for its disposal.

7. I have gone through the record and proceedings. I am conscious of the fact that while deciding the bail application merits of the case cannot be gone into. Similarly, the evidence compiled in the charge-sheet cannot be tested on merits. However, in a serious crime, the material compiled in the charge-sheet, which reflects upon the particular state of mind, intention or knowledge of the accused at the time of commission of a crime, can be considered to decide the bail application one way or the other. The statement of the eye witnesses would clearly indicate that deceased was aggressor. The narration of the incident by Jay alias Prashik Wasnik would show that deceased made serious attempt to kill the accused with knife. On the basis of his statement, it is submitted that the right of private defense of the body was available to the accused. In my view, considering the nature of incident and person responsible for the incident, the detention of the applicant-accused is in jail would not be justified. The apprehension placed on record by the learned APP, in the facts and circumstances, can be taken care of by imposing appropriate conditions. However, on the basis of the said apprehension bail cannot be denied to the appellant-accused, which he is otherwise found to be entitled.

The apprehension can be taken care of by imposing appropriate conditions. In the facts and circumstances and particularly the occurrence of incident narrated by the eye-witness, I am of the view, the applicant is entitled for bail. Hence, I pass the following orders:

ORDER

- i. The criminal application is allowed.
- ii. The applicant– Vishal Pravin Ramteke, be released on bail in connection with Crime No.66/2022 registered with Police Station, Nandgaon Peth, Amravati, on his furnishing PR bond in the sum of ₹25,000/- with one surety in the like amount.
- iii. The applicant shall not tamper with the prosecution evidence and he shall not threaten or pressurize the prosecution witnesses in any manner.
- iv. The applicant shall not enter in the territorial jurisdiction of Police Station, Nandgaon Peth, Amravati, till culmination of trial.

JUDGE

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