

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

CRIMINAL APPLICATION (ABA) NO. 776 OF 2022

Rahul @ Sunny s/o Rajesh Nagre .Vs. State of Maharashtra, through P.S.O., P.S. Rajapeth, Tq. and Dist. Amravati.

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

Court's or Judge's Order

Shri Shri A.V.Band, Advocate for the applicant.

Shri S.D.Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 07/12/2022

1. Heard.
2. The applicant is seeking interim bail in connection with Crime No. 797 of 2022 registered with Police Station, Rajapeth, Tah. And District Amravati for the offences punishable under Sections 143, 147, 307, 504, 148, 149 of the Indian Penal Code, 1860.
3. In this crime, the allegations are that the accused persons assaulted the informant by forming unlawful assembly, however, after going through the medical report, it appears that there are two injuries, out of which, one is the blunt trauma. Both the injuries are not grievous nature and therefore, *prima-facie* it is doubtful whether Section 307 of the Indian Penal Code will attract in this case.
4. Moreover, it is pointed out that, there is CCTV footage which does not support the case of the prosecution.

5. In the circumstances, though learned APP is strongly opposing the present application, I am of the opinion that as no prima-facie case is made out for the offence punishable under Section 307 of the Indian Penal Code, the custodial interrogation of the applicant is not necessary.

6. Moreover, there is nothing to point out that if the applicant is released on pre-arrest bail, he will not be available on trial. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) The order granting *ad interim* anticipatory bail dated 23/11/2022, is hereby confirmed.
- c) The applicant shall attend the concerned Police Station as and when his presence is required.

JUDGE