

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

Criminal Application (BA) No. 1310 of 2022

Nikhil S/o Vijay Thigle

Versus

State of Maharashtra, through Police Station Officer, Police Station
Andhera, Tah. Buldhana, Dist. Buldhana and another

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

Court's or Judge's Order

Shri S.V.Sirpurkar, Advocate for the applicant.

Ms. Shamsi Haider, APP for the State / Non-applicant

Shri Vivek Awchat, Advocate for assist to prosecution.

CORAM : ANIL S. KILOR, J.

DATED : 20th DECEMBER, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 205 of 2022 registered with Police Station Andhera, Dist. Buldhana for the offence punishable under Sections 302, 307, 452, 143, 147, 148, 149, 294, 427, 506 of Indian Penal Code.

2. The prosecution story is that on the date of incident the applicant and other relatives were assaulted by the accused. It is submitted that initially the report was registered under section 307 of Indian Penal Code. But subsequently after death of Kushwarta Wamanrao

Dhud who was the mother of the original complainant the offence was registered under Section 302 of Indian Penal Code.

3. Shri Sirpurkar, learned counsel for the applicant submits that the applicant is a student pursuing his studies and he is only 19 years old. It is further pointed out that he was not named in the First Information Report. However, subsequently after three days of the incident his name was disclosed by one of the witnesses and thereupon, he was arraigned as an accused and he was arrested on 3rd July, 2022.

4. It is further submitted that even if the role attributed to the applicant is considered, it can be seen that he had no intention to kill anybody. Learned counsel for the applicant therefore submits that because the applicant is in jail, he is not able to pursue his career though he is a brilliant student and he may lose his academic years.

5. On the other hand, learned Additional Public Prosecutor opposed the application and submits that the offence is serious and considering the long standing dispute between the parties the intention was clear. Accordingly, she prays for rejection of the present application.

6. Shri Awchat, learned counsel for the informant who is assisting the prosecution has pointed out statement of the witnesses who named the applicant and disclosed the role of the applicant in the alleged offence to oppose the application.

7. I have perused the chargesheet and the contents of the First Information Report.

8. In this crime the applicant was arrested on 3rd July, 2022. He is 19 years old and pursuing his studies. Applicant was not named in the First Information Report, however, subsequently in a statement recorded on 2nd July, 2022 one of the witness named him and therefore he was arraigned as accused. There are statement of witnesses subsequently recorded showing his presence on the spot, however, considering the age of the applicant and the fact that he is pursuing studies coupled with the fact that the chargesheet has been filed, I am of the opinion that applicant is entitled for grant of bail.

9. Moreover, if the applicant is released on bail, there is no possibility that he will not be available for trial. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that the applicants shall be released on bail in Crime No. 205 of 2022 registered with Police

Station Andhera, Dist. Buldhana for the offence punishable under Sections 302, 307, 452, 143, 147, 148, 149, 294, 427, 506 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 not enter the territorial jurisdiction of Kothada, Tal. Chikli, Dist. Buldhana till culmination of the trial;

iv. The applicant shall attend concerned Police Station on 1st of each month between 10 am to 12 noon 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 to tamper with the evidence.

[ANIL S. KILOR, J.]

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