

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

CRIMINAL APPLICATION (BA) NO.1360 OF 2022

Pappu S/o Shankar Sawarkar .Vs. State of Maharashtra, through P.S.O., P.S.
Paratwada, Tah. Achalpur, Dist. Amravati 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 R.D. Wakode, Advocate for the applicant.

Shri V.A. Thakare, A.P.P. for the non-applicant No.1/State.

CORAM : ANIL S. KILOR, J.

DATED : 20/12/2022

1. Heard.
2. The applicant is seeking bail in Crime No.348 of 2022, registered with Police Station: Paratwada, District: Amravati, for the offences punishable under Sections 302, 452, 324, 504 and 506 of the Indian Penal Code.
3. The allegations against the applicant in this crime is that, he assaulted the deceased and in the said assault, the deceased died.
4. The learned counsel for the applicant submits that the injuries found on the person of the deceased and recorded in column No.17 of the post mortem report show that those were not on vital parts. He submits that there was no intention and on a petty ground, a quarrel was took place and in assault, the deceased died. He therefore, submits that

as the investigation is completed and the charge-sheet has been filed further custody of the applicant is not necessary.

5. On the other hand, Shri Thakare, learned APP strongly opposes the present application and submits that total six injuries were found on the person of the deceased and considering the seriousness of the offence this Court may not grant bail to the applicant.

6. In the backdrop of rival submissions of the learned counsel for the applicant and the learned APP, I have perused the charge-sheet and the contents of the First Information Report (FIR).

7. After going through the FIR and the statements of witnesses and the CCTV footage panchnama, it is evident that the incident took place in spur of moment and in a heat of anger. The reason for quarrel and assault was petty one. Thus, it can be seen that the incident was not premeditated and *prima facie* it is further evident that there was no intention.

8. In the circumstances, considering the fact that there is no possibility that in near future the trial will be concluded and that the charge-sheet has been already filed, I am of the opinion that, the applicant should be released on bail by imposing certain stringent conditions. Accordingly, I pass the following order :

- a) The criminal application is **allowed**.
- b) It is directed that the applicant shall be released on bail in Crime No.348 of 2022, registered with Police Station: Paratwada, District: Amravati, for the offences punishable under Sections 302, 452, 324, 504 and 506 of the Indian Penal Code, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall not enter into the territorial jurisdiction village Paratwada, Dist. Amravati, till the culmination of the trial, except for trial.
- d) The applicant shall provide his address along with name of the nearest 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.

JUDGE