

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

CRIMINAL APPLICATION (BA) NO.116 OF 2023
(Gaaurav s/o Ishwar Shejolkar Vs. State of Maharashtra)

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

Court's or Judge's Order

Shri M.V. Rai, Advocate for the applicant.
Shri I.J. Damle, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 08, 2023.

Heard.

2. Present application is filed by the applicant for grant of bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.1270/2022 registered at police station Wardha City, District Wardha for the offence punishable under Sections 307, 326 read with Section 34 of the Indian Penal Code and Section 4, 25 and 27 of the Arms Act, 1959.

3. The applicant/accused arrested on 22/08/2022, since then he is in jail.

4. The crime was registered on the basis of report lodged by one Raju Shivdayal Jaiswal at Wardha police station on an allegation that the injured Amol is his son. On 21/08/2022, at about 10.00 p.m. one boy namely Pathan along with two unknown persons came in front of his house and called his son outside the house. By hearing his shouts, the informant and his wife also came out of the

house. He saw that his son was assaulted by these persons by means of knife, iron rod and other deadly weapons. As they intervened in the quarrel, they were also assaulted by these persons. Due to the assault his son as well as his wife sustained grievous injuries. Immediately they were shifted to the hospital. During their admission in the hospital, the statement of his son was recorded and the name of the present applicant is revealed. As per the allegation in the statement by the injured, present applicant assaulted his mother by means of iron rod. On the basis of said report, police have registered the offence.

5. As per the contention of the applicant that merely on suspicion his name is implicated in the alleged offence. In fact, he is not concerned with the alleged offence. Now the investigation is completed and the charge-sheet is filed. The alleged weapons are already recovered. The injured are discharged from the hospital. Now further custody of the present applicant is not at all required. The accused No.3 is released on bail by the Sessions Court, who was assigned with the role that he assaulted the injured by means of axe. The similar role is attributed to the present applicant also. Thus, on the ground of parity also, the applicant be released on bail.

6. Said application is strongly opposed by the State on the ground that *prima facie* material shows that the present applicant assaulted the injured Amol as well as

his mother. If he is released on bail, he will tamper with the prosecution evidence and will not be available for trial, and prayed for rejection of bail.

7. Heard learned Counsel for the applicant. He reiterated the contention and submitted that as the investigation is completed and the charge-sheet is filed and there are no criminal antecedents against the present applicant and the applicant will abide by all the conditions imposed by this Court, hence he be released on bail.

8. *Per contra*, learned Additional Public Prosecutor for the State raised objection on the ground that if the applicant is released on bail he will tamper with the prosecution evidence. Routine apprehension is raised by the prosecution that he will not be available for trial and will pressurize the witnesses.

9. Heard both the sides and perused the First Information Report and the investigation papers. It is apparent that the name of the present applicant though not mentioned in the FIR, it is revealed from the statement of the injured Amol. It is further apparent that Amol has sustained grievous injuries in the alleged incident in the nature of stab wound on the right side abdomen and central abdomen. His mother has also sustained the injury in the nature of fracture injury. Admittedly, the role assigned to the present applicant is assaulted to Sunita Raju Jaiswal who has sustained the fracture injury on her right wrist. Now the investigation is

completed and the charge-sheet is filed. The incriminating articles are already recovered from the accused. There are no criminal antecedents against the present applicant.

10. In view of above, the application deserves to be allowed by imposing certain conditions. Hence, I proceed to pass the following order :

(i) The application is allowed.

(ii) The applicant - Gaaurav s/o Ishwar Shejolkar in the event of arrest in Crime No.1270/2022 registered at police station Wardha City, District Wardha for the offence punishable under Sections 307, 326 read with Section 34 of the Indian Penal Code and Section 4, 25 and 27 of the Arms Act, 1959, be released on bail on executing P.R. Bond in the sum of 25,000/- (Rs. Twenty five thousand) with one or two sureties in the like amount.

(iii) The applicant shall attend the concerned Police Station once in a week i.e. on every Monday between 10.00 a.m. and 1.00 p.m. till conclusion of the trial and shall not involved himself in any criminal antecedents.

(iv) The applicant shall attend each and every date of the proceeding during trial and shall cooperate to dispose of the trial expeditiously.

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and shall not tamper the prosecution evidence.

(URMILA JOSHI-PHALKE, J.)

**Divya*