

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

CRIMINAL APPLICATION (ABA) NO.134 OF 2023

Vishal s/o Anand Gharde Vs. The State of Maharashtra, through PSO, PS
Khadan, Akola

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

Court's or Judge's orders.

Shri S.G. Joshi, Advocate for applicant.

Shri M.J. Khan, APP for non-applicant/State.

CORAM : ANIL L. PANSARE, J.

DATE : MARCH 08, 2023.

Heard.

2. The applicant apprehends arrest in Crime No.48/2023 registered with Police Station, Khadan, District Akola for the offence punishable under Sections 341, 326, 504 and 506 of the Indian Penal Code.

3. Briefly stated the case of the prosecution is that the incident is dated 05.02.2023 and is an outcome of roadrage. The applicant intercepted the informant's car. Since there occurred quarrel between them with respect to driving at earlier point of time on the same day. The informant alighted the car, the applicant started abusing him. Thereafter, he removed knife and stabbed on informant's back. The informant's friend made an attempt to rescue him but the applicant is said to have given blow of knife on the informant's head.

4. The medical report indicates that two injuries were caused. One is CLW on back 3 x 1 x 1 cm deep and another is CLW on left partial region 4 x 1 x 1 cm deep.

5. Learned APP submits that the custodial interrogation of the applicant is necessary to recover knife and the motorcycle, which is used in the crime.

6. Learned counsel for the applicant submits, by denying all the allegations against the applicant, that he is ready to produce before the investigating officer the alleged knife and the alleged motorcycle used in the crime. He further submits that the applicant is engineering student and if he is not protected his entire career will be spoiled.

7. As such the applicant ought to have thought of repercussions when he has inflicted aforesaid blows. Nonetheless considering the age and with the hope that the applicant will learn a lesson from the present incident and on the basis of assurance given by the applicant that he will produce the alleged knife and motorcycle, the anticipatory bail is being granted. Hence, following order is passed.

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No.48/2023 registered with Police Station, Khadan, District Akola for the offence punishable under Sections 341, 326, 504 and 506 of the Indian Penal Code, the applicant – Vishal S/o Anand Gharde be released on bail on he executing PR Bond in the sum of ₹25,000/- with one surety in the like amount.

(iii) The applicant shall attend Khadan, District Akola Police Station on 11.03.2023 between 2.00 pm and 5.00 pm and thereafter as and when called by the investigating officer but till filing of the charge-sheet.

(iv) The applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number(s) to the Investigating Officer and to the Court concerned and shall not change the same till the final disposal of the case.

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.

(vi) The applicant shall not obstruct or hamper the police investigation and shall not play mischief with the evidence collected or yet to be collected by the Police.

(vii) The applicant shall maintain law and order.

(viii) In case of breach of any conditions, the learned trial court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

The application is disposed of.

JUDGE

Wagh