

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

CRIMINAL APPLICATION (BA) NO. 370/2023

Raju Ramesh Aghav 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

Mr R.M. Daga, advocate for the applicant.

Mr N.R.Rode, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 16/05/2023.

1. Heard.
2. The present application is filed by the applicant for grant of bail in connection with Crime No. 254/2022 registered with Police Station, Vasant Nagar, Pusaad for the offences punishable under Sections 307, 452, 507 of the Indian Penal Code. The accused was arrested on 09/11/2022.
3. The offence was registered against the accused on the basis of report lodged by Bhavik Sudhakar Zarkar. It is the case of the prosecution that he is staying along with his parents and wife. His wife has left the house without informing anybody. Subsequently, it revealed that she was having a love affair with the accused. After two to three days, his wife returned back. Thereafter, the informant has received a phone call of the accused, inquiring why he has defamed him. He tried to give him an understanding but he threatened him. On 27/08/2022 at about 12.00 a.m when

he was sleeping, the accused entered in his house along with the knife and gave blow of his knife on his neck. He shouted for the help and accused fled away from the spot of incident. As informant sustained grievous injuries, he was immediately shifted to the hospital. On the basis of the said report, the police have registered the offence against the present applicant.

4. The contention of the applicant is that he is falsely implicated in the alleged offence. Even for sake of argument, the FIR is taken as it is, the injured Bhavik has sustained the simple injuries and he was discharged from the hospital within two days. Now, the investigation is completed and charge-sheet is filed. Further custody of the applicant is not required and hence he be released on bail.

5. Learned APP has strongly opposed the application on the ground that accused is arrested on serious allegations that he entered into the house of the informant and assaulted with him with weapons on the vital part of his body i.e. Neck. If the applicant/accused is released on bail, he will tamper with the prosecution witnesses and hence bail application deserves to be rejected.

6. Heard learned counsel Mr Daga for the applicant. He submitted that even for the sake of argument the allegations in the FIR are taken as it is, admittedly, the medical certificate shows that injured has sustained simple injuries. He was discharged from the hospital within two days, the

injuries were not life threatening injuries. Therefore, the offence under Section 307 is not attracted. He further submitted that now the investigation is already completed and charge-sheet is filed. Further custody of the applicant/accused is not required. Hence, he be released on bail of imposing certain conditions.

7. Learned APP submitted that there is prima-facie material against the present applicant to show his involvement in the alleged offence. Hence, bail application deserves to be rejected.

8. Perused the application and the FIR. Admittedly, the investigation is completed and charge-sheet is filed. The allegation is that the applicant entered into the house of the informant and assaulted him by means of knife. The medical certificate shows that he had sustained CLW on neck and the nature of injury is simple. Within two days of the incident, the informant released from the hospital. The discharge summary issued by the Malpani Hospital, Pusad also shows that the informant has sustained incise wound on neck and the nature of injury is simple. Now, the investigation is already completed, the charge-sheet is already filed and further custody of the accused is not required. The usual allegation is made by the State that he will tamper with the prosecution evidence, considering the same, the application deserves to be allowed by imposing certain conditions.

In view of that, I proceed to pass the following order:

- a) Criminal Application is **allowed**.
- b) The applicant is released on bail on furnishing P.R. Bond of Rs. 25,000/- with one solvent surety of like amount to the satisfaction of the Court.
- c) The applicant shall not tamper with the prosecution evidence in any manner by pressuring or in due influence on the witness.
- d) The applicant shall attend the Police Station as and when required.

JUDGE