

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

CRIMINAL APPLICATION (BA) NO.463 OF 2023

Santosh alias Monu S/o Gautam Nikose Vs. State of Maharashtra

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

Court's or Judge's orders.

Shri M.M. Warke, Advocate for applicant.
Shri A.M. Kadukar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : JULY 31, 2023.

This is an application for grant of bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.836/2022 registered with Police Station, Ajani, Nagpur City, Nagpur for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code. The applicant is arrested on 29.12.2022 and since then he is in jail.

2. The accusation against the present applicant is that on 29.12.2022 when the injured was proceeding in e-rickshaw at the relevant time the present applicant and other co-accused followed him on moped. The present applicant was holding wooden stick in his hand and he gave blow on his head as well as on other parts of the body and caused him injuries. On the basis of said report, the police have registered the crime against the present applicant as well as other co-accused.

3. As per contention of the present applicant, since the date of arrest he is in jail and now investigation is completed

and charge-sheet is filed. As far as injuries are concerned, out of six injuries only two injuries were grievous in nature and these injuries were not life threatening. Considering now the investigation is completed and the charge-sheet is filed further custody of the present applicant is not required. Hence, he be released on bail.

4. The said application is strongly opposed by the learned APP on the ground that the incident was witnessed by the various witnesses as well as it was also recorded in CCTV of the NMC, which was installed on the said spot. If the applicant is released on bail, he will tamper with the prosecution evidence and prays for rejection of the application.

5. Having heard both sides and having gone through the material placed on record, the accusation against the present applicant is that he by means of wooden stick assaulted the injured on his head as well as on the other parts of the body. The injury certificate shows that the injured was sustained in all six injures. Two of which are grievous injuries in nature. Now the investigation is completed, the incriminating article i.e. wooden stick is already recovered. For sufficient period the applicant is behind bars. There are no criminal antecedents against the applicant. The injured is also discharged from the hospital. The injuries sustained by the injured are not the life threatening. Considering all these aspects, the application deserves to be allowed by imposing

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

ORDER

- i. The criminal application is allowed.
- ii. The applicant – Santosh alias Monu S/o Gautam Nikose be released on bail in connection with Crime No.836/2022 registered with Police Station, Ajani, Nagpur City, Nagpur for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code, on executing PR bond in the sum of ₹25,000/- with one surety in the like amount.
- iii. The applicant shall furnish the cellphone number and address with address proof.
- iv. The applicant shall not leave the jurisdiction of District Court, Nagpur without prior permission from the Court, till conclusion of the trial.
- v. The applicant shall not tamper prosecution evidence or shall not induce, threaten or pressurize any witness, who are connected with the crime.

With this, the application is disposed of.

JUDGE

Wagh