

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

CRIMINAL APPLICATION (BA) NO.504 OF 2023

AVINASH BHAURAO WANKHADE

Vs.

STATE OF MAHARASHTRA THROUGH PSO,
P S YEODA, DIST. AMRAVATI.

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

Court's or Judge's orders

Mr. P V. Navlani, Advocate for applicant.
Mr. A. M. Kadukar, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/07/2023

1. The present application is for grant of bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.265/2022, registered with Police Station, Yeoda, District Amravati, for the offence punishable under Sections 307 of the Indian Penal Code and Sections 4 and 25 of the Indian Arms Act. The applicant is arrested on 16.11.2022 and since then he is in jail.

2. The crime is registered on the basis of report lodged by Yash Sadanand Jadhav on an allegation that on 16.11.2022 at about 2.00 p.m., he had been to Parasram Maharaj Mandir Pimplod, for rendering the religious services. At that time, one Amol Ghavat was seen by him along with the tractor trolley. Thereafter, he came to home and was taking rest at home. At the

relevant time, he heard the noise and he came to know that his cousin Rishikesh Ravindra Jadhav was assaulted by the present applicant due to some dispute between them. He immediately came at near the bank of the Boardi River and witnessed injured Rishikesh Jadhao lying in injured condition. Near the injured Amol Ghavat was standing. Thus, the accusation against the present applicant is that due to some unknown reason, he has assaulted said Rishikesh Ravindra Jadhao by means of a sword. On the basis of the said report, police have registered the crime against the present applicant.

3. As per the contention of the present applicant, he is falsely implicated in the alleged offence. He is not at all concerned with the alleged crime. There was no enmity between him and the injured. Merely on suspicion he is arrested. Now, the investigation is completed and charge-sheet is filed. The injured is already discharged from the hospital. The investigation is completed and further custody of the present applicant is not required. No purpose will be served by keeping him behind bar.

4. The said application is strongly opposed by the State on the ground that the injured has sustained ten injuries on his person. If the applicant/accused is released on bail, he will tamper with the prosecution evidence and prays for rejection of the application.

5. Heard learned Counsel Mr. Navlani for the applicant. He reiterated the contentions and submitted that within four days the injured was discharged from the hospital. He further submitted that the injuries sustained by the injured though ten in number, but none of the injuries is on the vital part. Considering that, now injured is out of danger, the investigation is completed. No purpose will be served by keeping the applicant behind bar and he be released on bail.

6. The learned APP strongly opposed the application by mentioning that ten injuries are sustained by the injured and prays for the rejection of the application.

7. Having heard both the sides and on perusal of the investigation papers, admittedly, there is allegation against the present applicant that he has assaulted the injured by means of sharp weapon like a sword. Though, the informant has alleged that the present applicant has assaulted on the head of the injured, however, no injury is sustained to the injured on head. None of the injuries is on the vital part of the body. Now, the injured is already discharged from the hospital. Considering the investigation is already completed and no purpose will be served by keeping the present applicant behind bar, as the for a sufficient period he is already behind bar i.e.

from 16.11.2022. Accordingly, I proceed to pass following order.

- (i) The application is allowed.
- (ii) The applicant **Avinash Bhaurao Wankhade** is released on bail in connection with Crime No.265/2022, registered with Police Station, Yeoda, District Amravati, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not enter into the jurisdiction of village Yeoda, Taluka Amravati, till the conclusion of the trial.
- (iv) The applicant shall not induce, threat or promise any witnesses who are connected with the alleged crime.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate