

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

CRIMINAL APPLICATION (BA) NO. 605/2023

Sahil s/o Sanjay Nagdeve V/s 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.S. Nayak, counsel for applicant.

Mr. S.M. Ghodeswar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 27/07/2023.

1. Heard.
2. The present application is for grant of bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No. 50/2023 registered with Police Station Jaripatka, District Nagpur for the offence punishable under Section 307 of the Indian Penal Code. The applicant is arrested on 23/01/2023.
3. As per the allegation, the injured was running a Pani Puri shop and the present applicant was a customer. There was a quarrel between them on account of the outstanding amount of Rs. 20/- towards the Pani Puri. During the said quarrel, the present applicant has gave a blow of knife on the right side of the abdomen portion of the injured. On the basis of said report, the police have registered the crime against the present applicant.

4. As per the contention of the present applicant, he is implicated falsely in the alleged offence. In fact, he has not authored of the said injury. He is not aware of how the injured has sustained the injury. Due to the previous dispute, he has been implicated in the alleged offence. Now, the investigation is completed and charge-sheet is filed, the injured is also discharged from the hospital. The injury sustained by the injured is not life threatening injury. Considering the injured is discharged from the hospital and investigation is completed and charge-sheet is filed, his further custody is not required. In view of that, he be released on bail.

5. The said application is strongly opposed by the State on the ground that the injured has sustained the grievous injury. If the applicant is released on bail, he will tamper with the prosecution evidence.

6. Heard learned counsel for the applicant and learned APP for the State.

7. Perused the investigation papers. On perusing the records, it appears that the incident occurred on account of the outstanding amount which is to be recovered from the present applicant by the injured. As the injured has demanded the said amount, the applicant got annoyed and he blow a knife on the abdominal portion of the injured. Admittedly, the injured has

sustained the grievous injury on his abdominal portion. After six days statement was recorded. He was discharged from the hospital. Now, he is not under the threat of death. As far as the discharge summary is concerned, it is mentioned that the injured has sustained grievous injuries. However, the said injury certificate was nowhere discloses that the injury sustained by the injured was life threatening injury. Now, the investigation is completed and charge-sheet is filed. Considering that further custody of the present applicant is not required and no purpose will be served by keeping him behind bar. Hence, in view of the above circumstances, the application deserves to be allowed by imposing certain conditions.

8. In view of the above facts and circumstances, I pass the following order;

- a) Criminal application is allowed.
- b) The applicant is released on bail in Crime No. 50/2023 registered with Police Station Jaripatka, District Nagpur for the offences punishable under Section 307 of the Indian Penal Code, on executing PR. Bond of Rs. 25,000/- with one solvent surety of like amount.

- c) The applicant shall furnish his cell phone number and address with address proof to the investigating officer.
- d) 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.
- e) The applicant shall attend the concerned Police Station once in a month till the decision of the trial.

Criminal application is **disposed of**.

JUDGE