

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

Criminal Application (BA) No. 602 of 2023

[Piyush @ Bittu S/o Bhimrao Rangire @ Rangile ..vs.. State of Maharashtra, through P.S.O.,
Mankapur, Nagpur]

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

Court's or Judge's orders

Mr. M. V. Rai, Advocate for the applicant
Mr. S. M. Ghodeswar, APP for the State/non-applicant

CORAM : URMILA JOSHI PHALKE J.

DATE : 11-08-2023

Present application is for bail under Section 439 of the Code of Criminal Procedure in connection with Crime No. 114/2023 registered under Sections 294, 324, 506 and 307 read with Section 34 of the Indian Penal Code. The applicant is arrested on 30-5-2023 and since then, he is in jail.

2. The accusation against the present applicant is that on the basis of report lodged by Ramesh Lilhare, who alleged that on 15-5-2023, he was present in one reception ceremony of his friend wherein present applicant along with co-accused was also present. He asked co-accused to switch off DJ, on that ground, there was a quarrel between them and in the said quarrel, co-accused Tushar has given blow on his head by wooden log whereas the present applicant has also assaulted on

his head. On the basis of said report, police have registered the crime.

3. As per the contentions of the present applicant, now investigation is completed, charge-sheet is filed, as far as injury sustained by the informant is concerned, he has sustained simple injuries and, therefore, Section 307 of the Indian Penal Code is not attracted. The injured has already discharged from the hospital.

4. Said application is strongly opposed by the State on the ground that present applicant and co-accused in furtherance of their common intention assaulted the injured and caused injuries to him. There is *prima facie* material against the present applicant and prays for rejection of the application.

5. Heard learned counsel for the applicant and learned APP for the State. Perused the investigation papers. As far as the role of the present applicant is concerned, it is only to the extent of assault causing injury on the head and not by any weapon. Injuries sustained are also simple in nature. Injured is already discharged from the hospital. Investigation is already completed and charge-sheet is filed. Further custody of

the present applicant is not required. In view of that, application of the present applicant for grant of bail deserves to be allowed. Accordingly, I proceed to pass the following order.

- (i) The application is allowed.
- (ii) The applicant is released on bail on executing PR bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of like amount.
- (iii) The applicant shall not induce the prosecution witness in any manner.
- (iv) The applicant shall furnish his cell phone numbers and address to the Police Station Officer, Mankapur, Nagpur.

6. The application is disposed of.

JUDGE

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