



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

CRIMINAL APPLICATION (BA) NO. 645 OF 2023

Ritik s/o Nitin Raghatate

Vs.

State of Maharashtra, Thru. PS Hinganghat, Tq. Hinganghat, Dist. Wardha

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. P.D. Pisurde, Advocate for applicant.

Mr. A.M. Kadukar, APP for non-applicant/State.

CORAM : SHIVKUMAR DIGE J.

DATE : OCTOBER 27, 2023.

By this application, applicant is seeking bail in Crime No.841/2021 registered with Police Station Hinganghat, District – Wardha, for the offences punishable under Sections 307, 342, 294 and 323 of the Indian Penal Code.

2. It is prosecution's case that the applicant had assaulted the complainant on the demand of some unpaid money, which was given as a hand-loan by the applicant to informant. Applicant assaulted the informant/complainant with sharp weapon cutter on her neck.

3. It is contention of the learned counsel for applicant that applicant is behind bar for more than two years. Investigation is completed and charge-sheet has been filed. The injury sustained by complainant was not life threatening. Hence, requested to allow the application.

4. It is contention of learned APP that applicant had assaulted complainant with cutter on her neck with intention to kill her. The injury caused to the complainant was on vital part of body. If the applicant is released on bail, he may threaten prosecution witnesses and complainant. Hence, requested to reject the application. There is prima facie case against the applicant.

5. I have heard both learned counsel and perused the FIR and charge-sheet.

6. It appears from the record that only one injury is caused to complainant by assault of applicant. The applicant is behind bar for more than two years. Investigation is completed and charge-sheet has been filed. Yet, charge has not been framed and it may take time to conclude the trial. Considering these facts, further detention of the applicant is not required and I pass following order :

ORDER

- (i) Criminal application is allowed.
- (ii) Appellant – Ritik s/o Nitin Raghatate in connection with Crime No.841 of 2021 registered with Police Station Hinganghat, District – Wardha, for the offences under Sections 307, 342, 294, 323 of the Indian Penal Code, he shall be released on bail on his furnishing PR bond in sum of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount before the trial Court.
- (iii) The appellants shall not tamper in any manner with the prosecution evidence.
- (iv) The appellants shall not pressurize or threaten the prosecution witnesses.
- (v) The appellants shall co-operate the investigation officer.
- (vi) The applicant shall not contact the complainant or any other witnesses.
- (vii) The applicant shall not enter in the area of Tukdoji ward where complainant stays till recording of evidence of complainant.

7. The criminal application stands disposed of accordingly.

(SHIVKUMAR DIGE, J.)