

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

Cri. Application (BA) No.734/2023

Rajendra Kumar V State of Maharashtra thr PSO PS Ambazari, Nagpur

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

Court's or Judge's Orders

Mr. A. Anirudha, Adv for applicant.

Mr. A.M. Kadukar, APP for State

CORAM : M.W. CHANDWANI, J.

DATE : 21-08-2023

Leave is granted to correct the name of the applicant.

2. Amendment be carried out forthwith.

3. The applicant has filed this application under Section 439 of the Code of Cr.P.C. for grant of regular bail for the offence punishable under Sections 326 and 504 of the Indian Penal Code registered with Police Station Ambazari, Nagpur vide Crime No.0313/2023.

4. It is the case of the complainant that on 19-06-2023 at about 12.30 when he was going for his work alongwith the victim, the applicant/accused started abusing to the complainant. On enquiry by the complainant, the accused beat him. When, the victim/injured tried to intervene, the accused inflicted stick blow on his head thereby he became unconscious. On the complaint, the

aforesaid offence came to be registered against the applicant.

5. It is contended on behalf of the learned Counsel for the applicant that there was no intention on the part of the applicant and only in a sudden quarrel, the incident occurred. It is contended that the injured has been discharged and the investigation is almost over.

6. Per contra, learned APP on behalf of the State vehemently submitted that the applicant inflicted the grievous injury to the victim on his vital part i.e. head, thereby the victim become unconscious. The act of the applicant is serious one and the victim was admitted in the hospital for 8 days. Hence, he states that considering the nature of injury, application should be rejected.

7. Having heard the learned Counsel for the applicant as well as learned APP for the State, I have gone through the case diary. It appears that the accused was quarreling with the complainant. When the victim tried to intervene, the accused inflicted stick blow on his head. It appears that the victim was initially admitted in the hospital and thereafter he is discharged. No doubt, the injury is grievous in nature and that too on vital part. But, considering the fact, that the accused inflicted only one injury, coupled with the facts that the victim is already been discharged from the hospital and the investigation is almost over, I am inclined to allow the application. Hence, the following order is passed :

ORDER

- a) Application is allowed.
- b) Applicant Rajendra Kumar s/o Bhaiyalal Pandey shall be released on PR Bond of Rs 25,000/- with one solvent surety in the like amount for the offence punishable under Sections 326 and 504 of the Indian Penal Code registered with Police Station Ambazari, Nagpur vide Crime No.0313/2023.
- c) The applicant shall attend the concerned Police Station as and when required by the Investigating Officer.

JUDGE