



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

CRIMINAL APPLICATION (BA) NO.945 OF 2023
(Rushikesh Subhash Hunekar @ Shubham Vs. 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. Md. Naveed Opai, Advocate for the applicant.
Ms. Sneha Dhote, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- DECEMBER 05, 2023.

Heard.

2. By this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.231/2023, registered with Police Station Yashodhara Nagar, Nagpur for the offence punishable under Sections 307, 504 and 506 read with Section 34 of the Indian Penal Code.

3. The applicant was arrested on 25th April, 2023. The accusation against the present applicant is on the basis of report lodged by brother of the injured namely Shriram Rajendra Parate on an allegation that on 22nd April, 2023 there was a marriage ceremony in the locality at the house of one Nandu Devangan. The dispute started when the brother of the informant was dancing on the tunes of DJ and the people gathered there for enjoying and when the injured who is the brother of the informant has removed his shirt and one Shiv Nandanwar had asked him to wear the shirt. Thereafter on the same day at

around 10:00 p.m. there was again altercation between the injured and Shiv Nandanwar wherein the present applicant was present. The people gathered intervened in the quarrel. As per the allegations, on 23rd April, 2023 at about 7:30 p.m. injured was sitting with his friends and accused Shiv Nandanwar came there wherein applicant was standing. After seeing Shiv Nandanwar, injured Rohit went near to him with an intention to settle the dispute of last night but Shiv Nandanwar has assaulted on the forehead and thereafter present applicant stabbed the injured on his stomach by means of knife. Due to the said blow, the injured has sustained grievous injuries and was hospitalised.

4. Learned Counsel for the applicant submitted that in fact, there was a fight between the two parties. Present applicant has also lodged the FIR regarding the incident as he has also sustained the injuries. Now, investigation in both the crimes is completed and charge-sheet is filed. The injured has discharged from the hospital. Now there is no apprehension or danger to the life of the injured. Considering the investigation is completed and charge-sheet is filed, further custodial interrogation of the present applicant is not required. In view of that, he be released on bail.

5. Learned Additional Public Prosecutor strongly opposed the application on the ground that the injured has sustained the grievous injuries which were in the

nature of life threatening. If the applicant/accused is released on bail there is every apprehension that he will involved such type of crime and there is apprehension of tampering of witnesses also and prays for rejection of the application.

6. Having heard the learned Counsel for the applicant and learned Additional Public Prosecutor for the State. Perused the investigation papers. It reveals from the investigation papers that out of the dispute dated 22nd April, 2023 the alleged incident has taken place. The injured as well as present applicant has sustained the injuries in the said incident. As far as the injuries of the present applicant is concerned, admittedly which are simple in nature whereas the injuries sustained by the injured Rohit are of life threatening. The injured was hospitalised for sufficient period of time. Now he is discharged from the hospital. Investigation is completed and charge-sheet is filed.

7. Considering the circumstances under which the alleged incident is taken place and the investigation is completed and charge-sheet is filed. Further custody of the present applicant is not required and no purpose will be served by keeping him behind bar. However, considering the injuries sustained by the injured and the deadly weapon used by the present applicant, some stringent conditions requires to be imposed on the present applicant. In view of that, the application deserves to be

allowed. Accordingly, I proceed to pass the following order:

- (i) The application is allowed.
- (ii) The applicant - Rushikesh Subhash Hunekar @ Shubham in connection with Crime No.231/2023, registered with Police Station Yashodhara Nagar, Nagpur for the offence punishable under Sections 307, 504 and 506 read with Section 34 of the Indian Penal Code, be released on bail on executing PR. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not enter within the jurisdiction of the Yashodhara Nagar police station.
- (iv) The applicant shall stay beyond the jurisdiction of the Yashodhara Nagar police station and shall furnish his detailed address where he would reside after being on bail.
- (v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

(vi) The applicant shall attend the police station Panchpaoli, Nagpur once in a week i.e. on every Monday between 10.00 a.m. and 1.00 p.m., till the material witnesses are examined by the prosecution.

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*