

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

CRIMINAL APPLICATION (ABA) NO.822/2022

Nilesh s/o Ramesh Neware .vs. State of Maharashtra through its PSO P.S. Loni, Tq.
Nandaon Khandeshwar, Dist. Amravati.

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

Court's or Judge's orders

Mr. S. B. Gandhe, Advocate for applicant.
Mr. I. Damle, A.P.P. for non applicant-State.

CORAM : ANIL L. PANSARE, J.
DATE : JANUARY 10, 2023.

The applicant is apprehending arrest in connection with Crime No.273/2022 registered with Police Station Loni, District Amravati for an offence punishable under Sections 307, 324, 452, 504 of the Indian Penal Code.

2. Families of applicant and informant are neighbours. In the year 2021, applicant's wife lodged First Information Report against one of the family members of the informant levelling allegations of abuses. It appears from the present FIR that the applicant has some doubt about illicit relations between his wife and uncle of the informant. This crime appears to be the outcome of the said doubt. The applicant has been blamed for assaulting the informant with an axe. Learned Additional Public Prosecutor submits that there is deep wound and the weapon used is a deadly weapon. He further submits that if the applicant is released on bail there is every possibility of he committing similar such offence.

3. On the point that the crime in question is an outcome of suspicion the applicant had, about illicit relations between his wife and uncle of informant, learned counsel for the applicant submits that this is a concocted story. In fact, it is the informant who was staring at the applicant's wife.

4. The case diary so also record placed before me indicate that the weapon used in the crime has been recovered. Custody of the applicant is required for the purpose of collecting biological samples which could even be done by putting the applicant to appropriate conditions.

5. It will be appropriate to mention here that the applicant has also lodged the FIR against the informant and his family members. The FIR is bearing crime No.277/2022 for an offence punishable under Section 324, 504 read with Section 34 of the IPC.

6. Learned Additional Public Prosecutor submits that the charge-sheet is likely to be filed in near future. The question now remains is to deal with the contentions of the learned Additional Public Prosecutor that the applicant may commit similar such offence if he is released on bail. The said apprehension can be dealt with by putting the applicant to appropriate terms. On inquiry, learned counsel for the applicant submits that there are no criminal antecedents against the applicant. He is residing at his own residence and has deep roots in the society.

7. Hence, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Nilesh s/o Ramesh Neware, be released on bail, in connection with Crime No.273/2022 registered with Police Station Loni, District Amravati for an offence punishable under Sections 307, 324, 452, 504 of the Indian Penal Code, on he furnishing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend Police Station, Loni, District Amravati on every Sunday between 11:00 a.m. to 01:00 p.m., till filing of the charge-sheet.
- (iv) The applicant shall co-operate with the investigation and make himself available for interrogation, whenever required.
- (v) The applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number(s) to the Investigating Officer and to the Court concerned and shall not change the residence till the final disposal of the case.
- (vi) 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.
- (vii) The applicant shall not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by the Police.

- (viii) The applicant shall not leave the territory of Amravati district, without prior permission of the Court, till the trial is over.
- (ix) The applicant shall maintain law and order.
- (x) The applicant shall not commit any such similar offence.
- (xi) The applicant shall not commit any activity that would adversely affect the investigation or the trial.
- (xii) The applicant shall regularly attend the court and co-operate the learned trial court to complete the trial for the above offence.
- (xiii) In case of breach of any conditions, the learned trial court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

The application is disposed of.

(Anil L. Pansare, J.)

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