

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

CRIMINAL APPLICATION (BA) NO.1422/2022
Kedar s/o Ghanshyam Charpate

..VS..

**The State of Maharashtra, thr.its PSO PS Sarmaspura, Paratwada, District
Amravati and anr**

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

Court's or Judge's Order

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Shri K.R.Trivedi, Counsel for the Applicant.
Shri Gurpreet Singh, Counsel for NA No.2.
Shri A.M.Kadukar, Additional Public Prosecutor for the State.

CORAM : URMILA JOSHI-PHALKE, J.
CLOSED ON : 19/07/2023
PRONOUNCED ON : 26/07/2023

1. By this application being moved under Section 439 of the Code of Criminal Procedure, the applicant seeks regular bail in connection with Crime No.7/2022 registered with Sarmaspura Police Station, district Amravati for offences punishable under Sections 307, 326, 324, 294, 427, 188, 269, 143, 147, 148, and 149 of the Indian Penal Code.

2. The applicant himself surrendered before the police on 13.3.2022 and since then he is behind the bars.

3. On 9.1.2022, one Matin Khan Hussain Khan lodged report with the police station. On the basis of the said report, the police registered the crime. The allegations in the report are that on 5.1.2022, at about 10:00 pm, he along with his

friend Jafar Shah stopped his vehicle near Swami Samarth Temple for wee. The applicant along with co-accused came on motorcycles, raised quarrel with them, and assaulted them by means of iron rods, knives, and sticks. The complainant sustained injuries to his left hand. Whereas, the friend of the complainant, Jafar Shah, sustained injury on his head. On the basis of the said allegations, the police registered the offence against the applicant and other co-accused.

4. Heard learned counsel Shri K.R.Trivedi for the applicant, learned counsel Shri Gurpreet Singh for non-applicant No.2/complainant, and learned Additional Public Prosecutor Shri A.M.Kadukar for the State.

5. Learned counsel Shri Trivedi, submitted that insofar as the allegations levelled against the applicant are concerned, it is alleged that he was holding an iron pipe and he gave a blow of the same on the head of the complainant. The other co-accused persons assaulted Jafar Shah. As regards the injury by knife, the same is attributed to co-accused Ankit. Said co-accused Ankit is already released on bail. According to learned counsel, investigation into the crime is completed and chargesheet is filed. He submitted that all co-accused persons are released on bail and, therefore, the applicant be released on

bail on parity.

6. Learned Additional Public Prosecutor Shri Kadukar, strongly opposed the application. According to him, injured Jafar Shah sustained grievous injury on the vital part of his body. He submitted that if the applicant is released on bail, possibility of he tampering prosecution evidence cannot be ruled out. He, therefore, prays for rejection of the application.

7. Heard and perused investigation papers of the crime in question. Perusal of the investigation papers reveals that insofar as role of the applicant is concerned, he assaulted the complainant by means of an iron pipe. The injury caused to Jafar Shah by knife, is attributed to co-accused Ankit. Said co-accused Ankit is already released on bail. The injury attributed to the applicant is not on the vital part of the complainant. The complainant and his friend Jafar Shah, the both injured, are now discharged from hospital. All co-accused persons are also released on bail. The applicant is languishing behind the bars for a considerable period, since 13.3.2022.

8. Since the injury attributed to the applicant is not on vital part of the body of the complainant; both the injured are now discharged from hospital; all the co-accused persons are already release on bail, and the investigation into the crime is

completed and chargesheet is filed, in my view, the applicant need not continue behind the bars. Hence, I pass following order:

ORDER

(1) The criminal application is **allowed**.

(2) Applicant Kedar s/o Ghanshyam Charpate, in connection with Crime No.7/2022 registered with Sarmaspura Police Station, district Amravati for offences punishable under Sections 307, 326, 324, 294, 427, 188, 269, 143, 147, 148, and 149 of the Indian Penal Code, be released on bail on his executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(3) The applicant shall attend the concerned police station once a month on first Saturday of such month between 11:00 am and 1:00 pm.

(4) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(5) The applicant shall furnish his cell phone number(s) and address with the address proof. Additionally, he shall furnish names of his two relatives and their addresses with proofs.

(6) Needless to mention that the observations made in this order are purely *prima facie* for deciding the present application for grant of bail only and learned Judge before whom the trial will be conducted shall not get influenced by the said observations.

With this, the criminal application stands **disposed of.**

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!