



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

CRIMINAL APPLICATION (BA) NO.1047 OF 2023
(Rameshwar Tukaram Pawar Vs. The 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

Ms RA. Awathale, Advocate for the applicant.
Ms M. Kavimandan, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- DECEMBER 21, 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.434/2023, registered with Police Station Vasant Nagar, Pusad, District Yavatmal for the offence punishable under Section 307 of the Indian Penal Code.

3. The applicant is arrested on 18/09/2023. Since then he is behind bar.

4. As per the accusation against the present applicant the report is lodged by the wife of the injured Ganesh. She alleged that there is a previous dispute between her husband and the present applicant. On 18/09/2023, her husband had been to spray the insecticides in the agricultural field. At that time, present applicant restrained him and there was a quarrel between them. In the said quarrel, the applicant has given a blow

by means of knife repeatedly, due to which her husband has sustained the injuries. On the basis of said report, police have registered the crime against the present applicant.

5. Learned Counsel for the applicant submitted that now investigation is completed and charge-sheet is yet to be filed. Injured is already discharged from the hospital. Now he is not under the threat of death. Though charge-sheet is not filed but nothing remained in the investigation. The applicant will abide by all the conditions impose by this Court and prays for releasing the applicant on bail.

6. Learned Additional Public Prosecutor strongly opposed the application on the ground that there is a *prima facie* material to show that due to the previous dispute between the injured and the present applicant, present applicant gave a repeated blow on the vital portion of the body of the injured and caused grievous injuries to him. If he is released on bail he will tamper with the prosecution evidence and prays for rejection of the application.

7. Having heard both the sides. Perused the investigation papers. There is no dispute that the injured who has sustained the grievous injuries, now discharged from the hospital. As far as the alleged incident is concerned, there is *prima facie* case to show that the present applicant has given a blow of knife repeatedly on

the person of the injured but considering that now he is discharged from the hospital, investigation is also completed, now the injured is not under the threat of death and his further incarceration is not required, in view of that application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) The applicant – Rameshwar Tukaram Pawar in connection with Crime No.434/2023, registered with Police Station Vasant Nagar, Pusad, District Yavatmal for the offence punishable under Section 307 of the Indian Penal Code, be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.

(iii) The applicant shall not enter in the vicinity of Manikdoh, Taluka Pusad, District Yavatmal till the culmination of the trial.

(iv) The applicant shall furnish his Cell phone number and address with address proof before the Investigating Officer.

(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.

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*