

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

CRIMINAL APPLICATION (ABA) NO. 910 OF 2022

KHUSHAL S/O. SUDHAKAR THOKAL

VS

STATE OF MAH. THR. PSO, PS MURTIZAPUR DIST. AKOLA.

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

Court's or Judge's Orders.

Ms. Sneha Dhote, Advocate for applicant.
Mr. I. J. Damle, APP for respondent.

CORAM : ANIL L. PANSARE J.

DATE : 17/01/2023

The applicant is apprehending arrest in Crime No. 424/2022, registered with Police Station, Murtizapur City, District – Akola for the offences punishable under Sections 323, 326, 504, 506 read with 34 of the Indian Penal Code.

2. Briefly stated, the allegation is that because of earlier dispute, the applicant and his two associates have assaulted the informant. The FIR indicates that the applicant has given fist blow on his face. The co-accused Harshal Thokal, the friend of applicant has also hit him on face, but by means of a fighter. The informant lost his tooth. The third

accused has beaten informant with fists and blows on his back and front.

3. Learned counsel for the applicant submits that the applicant is a student. He has completed his D.Pharm. He has no criminal antecedents. Nothing is to be recovered from him.

4. The learned APP however, submits that the offence is serious. The informant has suffered a grievous injury. The weapon fighter used in the crime is to be recovered. Accordingly, prayed for rejection of application.

5. The FIR indicates that a fighter has been used by the co-accused Harshal and not by the applicant. In the circumstances, though the applicant will be said to be equally responsible for the incident in view of Section 34 of the IPC, while considering the personal liberty of student who is 25 years old, his role will have to be considered. The role appears to be of lesser gravity than what is attributed to co-accused Harshal. Nothing is to be recovered from the applicant. It appears to be his first crime. Hopefully, he will learn a lesson from the proceedings and will abide by the law in future. Further incarceration of the applicant, on the basis of such allegations, may

not be justified. The applicant could be put to terms to protect the interest of the prosecution. Hence, the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No.424/2022 registered with Police Station Murtizapur, District – Akola for an offence punishable under Sections 323, 326, 504, 506 read with 34 of the IPC, applicant – **Khushal s/o. Sudhakar Thokal**, be released on bail on he furnishing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend Police Station, Murtizapur, District – Akola on every **Sunday** between **011:00 to 01:00 p.m.**, till filing of the charge-sheet.
- (iv) 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.
- (v) 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.

(vi) The applicant shall not obstruct or hamper the police investigation and shall not play mischief with the evidence collected or yet to be collected by the Police.

(vii) The applicant shall maintain law and order.

(viii) The applicant shall regularly attend the court and co-operate the learned trial court to complete the trial for the above offence. The applicant shall not seek adjournments, except under extreme circumstances, to the satisfaction of the trial court.

(ix) 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.

JUDGE