



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

CRIMINAL APPLICATION (BA) NO.141 OF 2024

Rahul @ Papa Shankar Chhagankar

Vs.

State of Maharashtra, Through Police Station Officer, Wardha (City),
Wardha

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

Court's or Judge's orders

Mr. A. S. Kesari, Advocate for applicant.

Mr. A. G. Mate, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 28/02/2024

1. The applicant came to be arrested on 08.12.2022 in connection with Crime No.1767/2022 registered with Police Station, Wardha (City), District Wardha for the offence punishable under Sections 307, 324 read with Section 34 of the Indian Penal Code. Since the date of arrest the applicant is behind bar.

2. The crime is registered on the basis of report lodged by Prashant @ Golu Prasadilal Tarachandi, on an allegation that on 03.12.2022, the injured and the other prosecution witnesses came to the house of the present applicant, as there was theft of animals i.e. Pigs and on that count there was a hot exchange of words between them. At that time as per the allegation, the present applicant took out the knife and gave a blow of the knife on the abdomen of

the injured namely, Rajat. Due to the said blow, he sustained grievous injuries and immediately he was shifted to the hospital. On the basis of said report, police have registered the crime against the present applicant and other co-accused.

3. Learned Counsel for the applicant submitted that the injured was the aggressor. In the said incident, the other co-accused and the present applicant sustained the injuries regarding the incident. Roshan Shyam Khote has lodged the report against the injured and the other prosecution witnesses vide Crime No.1766/2022 registered under Section 324 of the Indian Penal Code. He further submitted that the informant and the other prosecution witnesses were the aggressors. They have started the quarrel at the relevant time, the injured was under the influence of liquor and therefore, the hot exchange of words took place between them and in the said scuffle the injured has sustained the injury. Now, the investigation is completed and charge-sheet is filed. The other co-accused are already released on bail. Considering that there is no apprehension of death, the applicant be released on bail.

4. Learned APP strongly opposed the application on the ground that the injured has sustained the grievous injury and for the said injury he undergone the surgical intervention. He further

submitted that the injury was in the nature of life threatening injury. If the applicant is released on bail, he would tamper with the prosecution evidence and considering the nature of the injury and the direct evidence against the present applicant, the bail application deserves to be rejected.

5. Having heard the learned Counsel for the applicant and learned APP for the State, perused the investigation papers. From the recitals of the FIR, it reveals that the injured and the other prosecution witnesses had been to the house of the present applicant. Thus, injured and the other prosecution witnesses were aggressors. The hot exchange of words took place between them on account of theft of the Pigs. The medical certificate which is produced on record shows that at the relevant time, the injured was under the influence of liquor. The medical report specifically shows that patient was under the influence of alcohol intake one hour prior to the incident. During this scuffle, the applicant has given a blow of knife in the heat of anger on the person of the injured. Now, the injured is operated and there is no danger to his life and he is discharged from the hospital and at present he is not under the treatment. The investigation is completed and charge-sheet is also filed. There is no progress in the trial. Considering the entire circumstances on record, only apprehension raised by the prosecution is that if the applicant is released on bail, he will tamper with

the prosecution evidence, that can be taken care of by imposing certain conditions on the present applicant. It also reveals from the investigation papers that cross-complaint is lodged against the injured and the other prosecution witnesses.

6. In view of that, the application deserves to be allowed by imposing certain conditions. Accordingly I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) The applicant **Rahul @ Papa Shankar Chhagankar** be released on bail in connection with Crime No.1767/2022 registered with Police Station, Wardha (City), District Wardha for the offence punishable under Sections 307 and 324 read with Section 34 of the Indian Penal Code, 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 into the vicinity of Anand Nagar, Wardha, till the culmination of the trial.

(iv) The applicant shall furnish his cell phone number and address with the address proof.

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(5)

47.ba.141.2024

(vi) The contravention of any of the conditions imposed would lead to the cancellation of the bail.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)