



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

CRIMINAL APPLICATION (BA) NO.156 OF 2024
(Sachin Ramesh Lahale Vs. The State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. N.R. Shiralkar, Advocate for the applicant.
Mr. N. Autkar, APP for non-applicant No.1.
Mr. A. Zade, Advocate for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 14, 2024

By this application, the applicant is seeking bail in connection with Crime No.91/2021 registered with Police Station Khandala, Tahsil Pusad, District Yavatmal for the offences punishable under Sections 307, 504 and 201 of the Indian Penal Code.

2. The applicant is arrested on 14/08/2023. Since then he is behind bar.

3. The accusation against the present applicant is on the basis of report lodged by Sheikh Ibrahim Sheikh Farid on an allegation that on 27/03/2021 he had been along with Sheikh Amjad Sheikh Ibrahim at about 7:30 p.m. after dinner they were carrying some food stuff along with them. At that time, present applicant is then by referring their caste abused them. On that, they have asked why he is abusing them at that time present applicant took out the knife and gave a blow on the abdominal portion of the injured, due to which the injured has sustained the grievous injury. He was immediately

taken to the hospital and Medical Officer observed that stab wound is over the lower abdomen. The Medical Officer further draws the diagram and shown that the injury was penetrating CLW over left iliac fossa of approx size 4 x 3 x 3 cm with peritoneum breach obliquely oriented with evisceration of bowel and omentum with visible bowel perforation, and therefore, the crime was registered under Section 307 of the Indian Penal Code.

4. Learned Counsel for the applicant submitted that the nature of injury is not mentioned by the Medical Officer. The applicant is falsely implicated in the alleged offence. Now, investigation is completed, the injury sustained by the injured is not a life threatening injury, so there is no apprehension of death. In view of that, considering the investigation is completed and charge-sheet is filed, the applicant be released on bail.

5. In support of his contention he placed reliance on the order passed by this Court in ***Criminal Bail Application No.1078 of 2021 (Vinod Tukaram Rathod Vs. The State of Maharashtra)*** dated 16/03/2021 and in ***Sivamani and anr. Vs. State represented by Inspector of Police, Vellore Taluk Police Station, Vellore District [SLP (CRL.) No.5136 of 2022]*** dated 28/11/2023 and ***Bail Application No.546 of 2019 (Fakrudin A. Aziz Jamadar Vs. The State of Maharashtra)*** dated 22/03/2019.

6. Learned Additional Public Prosecutor strongly opposed the application on the ground that the crime is registered against the present applicant under Section 201

of IPC also as he has concealed the weapon to screen himself from punishment. Moreover, the applicant was absconding, there was criminal antecedents against the present applicant, the injury sustained by the injured was life threatening injury. If the applicant/accused is released on bail he would tamper with the prosecution evidence and would not be available for trial.

7. Learned Counsel for the informant endorsed the same contention and objected for the application.

8. Perused the investigation papers as well as the decisions filed on record. As far as the decision of the Hon'ble Apex Court is concerned, the observation of the Hon'ble Apex Court after going through the evidence which is recorded before the trial Court and after considering the judgement of the High Court. It is specifically observed by the Hon'ble Apex Court that the injuries were simple in nature and not on the vital part of the body. Considering the fact of the present case, the injury is on the vital part of the body and the diagram shows the nature of the injury and the force used by the present applicant as the internal organ are damaged due to the said injury. The another decision on which the applicant relied upon shows that the injured was not even admitted to the hospital and stitches were given in a OPD. As far as third decision is concerned there is no mention regarding the nature of the injuries and whether the injuries were life threatening or not. All the decisions are not helpful to the present applicant.

9. On going through the investigation papers, it reveals that for a trivial reasons present applicant who was carrying the weapon along with him took out and gave a forceful blow on the abdominal portion of the injured. The discharge card of the injured shows that injured has sustained stab wound and the diagram shows that the injury was so forceful that internal organs of the injured were affected due to the said injuries. The investigation papers further shows that the applicant was absconding after the date of the incident. Considering all these facts, the apprehension raised by the learned Additional Public Prosecutor that if he is released on bail there is every possibility of fleeing away cannot be ruled out.

10. In view of that and considering that the applicant attempted to screen himself from punishment and cause the disappearance of the evidence, the application deserves to be rejected.

11. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)