



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

CRIMINAL APPLICATION (BA) NO. 161 OF 2024

Dipak Tulshiram Basode

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Borakhedi, Taluka Motala, District Buldhana

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

Court's or Judge's orders

Mr. S. A. Mohta, Advocate for applicant.
Ms. Ritu Sharma, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 18/03/2024

1. The applicant came to be arrested on 03.01.2024 in connection with Crime No.2/2024 registered with Police Station, Borakhedi, District Buldhana for the offence punishable under Section 307 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of report lodged by Mohan Samadhan Karangale, who is the Police Officer. As per his allegation, on 30.12.2023 at about 12.40 p.m., he was proceeding towards Buldhana from Nandura on his bike. At the relevant time, on account of previous enmity, the applicant came in a Swift Car from the back side in a high excessive speed with intention to cause death and dashed his motorcycle from the back side of the bike and caused injuries to him. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that from the recitals of the FIR and the investigation papers it reveals that the present informant /complainant had a love affair with one lady which was disliked by the present applicant, who is her husband. The said lady has also lodged the report against the informant under Sections 354, 354-A and 452 of the Indian Penal Code. There was an enmity between the present applicant and the informant on that count. He submitted that by taking disadvantage of the previous enmity, the applicant was falsely implicated in the alleged offence. As far as the injuries sustained by the informant are concerned, which are simple in nature and offence under Section 307 of the Indian Penal Code, is not attracted. He further submitted that now the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required and he be released on bail.

4. Learned APP strongly opposed the application on the ground that with an intention to cause death the motorcycle of the informant was dashed by the present applicant by driving his car in high and excessive speed. Considering the manner in which the vehicle was driven and the injuries are caused to the injured, the application deserves to be rejected.

5. Having heard the learned Counsel for the applicant. Perused the investigation papers from which it revealed that the informant was having a love affair with the wife of the present applicant which was disliked by the present applicant and there was enmity. As far as the injuries sustained by the injured are concerned, which are in the nature of abrasion and no life threatening injuries are sustained by him. Now the investigation is already completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, application deserves to be allowed. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) The applicant **Dipak Tulshiram Basode** be released on bail in connection with Crime No.2/2024 registered with Police Station, Borakhedi, District Buldhana for the offence punishable under Section 307 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 induce, threat or promise any witnesses who are acquainted with the facts of the case.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)