



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

CRIMINAL APPLICATION (BA) NO.188 OF 2024

Sanghrash @ Munna Vijay Surve

Vs.

State of Maharashtra, Through Police Station Officer, Mangrulpir,
District Washim

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

Court's or Judge's orders

Mr. M. N. Ali, Advocate h/f Mr. V. J. Gawali, Advocate for applicant.
Ms. Swati Kolhe, APP for respondent /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/04/2024

1. By this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.259/2023 registered with Police Station Mangrulpir, District Washim, for the offences punishable under Sections 307, 326, 341, 201 read with Section 34 of the Indian Penal Code, 1860. The applicant came to the arrested on 15/10/2023.

2. The accusations against the present applicant is on the basis of the report lodged by the complainant namely – Manohar Irbhanji Chavhan father of the injured, alleging that on the day of the incident, he had been to attend the marriage ceremony at Mangrulpir, District Washim. Prior to that, on 16/04/2023, there was a quarrel between the present applicant and son of the informant. On

17/04/2023, when he had been to Selu Bazar to purchase some articles, he received a telephonic message from his son, that he is assaulted by the present applicant and other co-accused by means of sickle and fighter, and due to which he had sustained the injuries and admitted in the hospital. Thereafter, the informant immediately rushed to the hospital and lodged the report.

3. Learned Counsel Mr. Ali, for the applicant submitted that the co-accused to whom the similar role is attributed, is already released on bail. Now, the investigation is completed and charge-sheet is filed. Further incarceration of the present applicant is not required. The injured is already discharged from the hospital and now there is no apprehension of death of the injured. In view of that, he be released on bail.

4. Learned APP strongly opposed the present application on the ground that there is a *prima facie* material which shows that the present applicant has assaulted the injured by means of a sharp weapon and injured has sustained the life threatening injury. There are criminal antecedents against the present applicant also. In view of that, the application deserves to be rejected.

5. After hearing the learned counsel for the applicant and learned APP for the State, perused the investigation papers. The statement of the injured

shows that the present applicant has assaulted him by means of a sharp weapon on his head. The injured is now discharged from the hospital and there is no apprehension of death. Moreover, the investigation is already completed and charge-sheet is filed. In view of that, no purpose will be served by keeping the present applicant behind bar and his further incarceration is not required. The applicant is also entitled to be released on bail on the ground of parity as the co-accused with the similar role is already released on bail. In view of that, I proceed to pass following order.

ORDER

- a) The applicant – **Sanghrash @ Munna Vijay Surve** be released on bail, in connection with Crime No.259/2023 registered with Police Station Mangrulpir, District Washim, for the offences punishable under Sections 307, 326, 341, 201 read with Section 34 of the Indian Penal Code, 1860, on furnishing P.R. bond in the sum of Rs.25,000/- with one surety in the like amount.
- b) The applicant shall not induce, threat or promise to any witnesses who are acquainted with the facts of the present case.
- c) The applicant shall attend the concerned Police Station once in a month on first Saturday and the Police Station Officer shall record his presence.
- d) The applicant shall attend the trial Court regularly without seeking any exemption unless there are exceptional circumstances.

(4)

927.ba.188.2024

6. Criminal application is disposed of

(URMILA JOSHI-PHALKE, J.)

Sarkate