



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

CRIMINAL APPLICATION (BA) NO.255 OF 2024

(Rahul s/o Gajanan Tale Vs. State of Maharashtra)

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

Court's or Judge's Order

Mr. S.G. Joshi, Advocate for the applicant.
Mr. H. Dhumale, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- APRIL 8, 2024.

By preferring this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure. The applicant came to be arrested on 16/11/2023 in connection with Crime No.296/2023 registered with Police Station Dabki Road, Akola, District Akola for the offence punishable under Sections 307 read with Section 34 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of report lodged by one Prajwal Santosh Lingot on an allegation that on 11/10/2023 at about 12.30 a.m. when he was sitting in front of shop of one Thakur along with injured Sunil Prakash Chandel and was chitchatting. At that time, the applicant along with two friends came on motorcycle and there was scuffle between them. They started abusing each other. Since they were abusing each other in loud voice injured Sunil Chandel asked them as to why they were abusing in front of his house and asked them to leave the premises. Annoyed by

this, the applicant and other co-accused assaulted the Sunil Chandel and his brother. As per the allegation in the FIR present applicant has given a knife blow on the abdomen of the injured due to which he sustained the injuries. On the basis of said report, police have registered the crime against the present applicant and the other co-accused.

3. Learned Counsel for the applicant invited my attention towards the statement of the injured and his brother who is also injured in the said incident and submitted that from their statement it reveals that it was not the present applicant who has given the blow of knife but it was the co-accused Shubham who gave a blow of knife and said Shubham is now already released on bail. Now, the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that there are criminal antecedents against the present applicant. Moreover, specific role is attributed to the present applicant due to which the injured has sustained the grievous injury. Though investigation is completed and charge-sheet is filed, there is apprehension of tampering of the witnesses. In view of that, he prays for rejection of the application.

5. I have heard learned Counsel for both the parties. Perused the investigation papers. As per the recitals of the FIR, the blow by knife is by the present applicant whereas injured Sunil Chandel and his brother stated that they were assaulted by knife by co-accused Shubham who is already released on bail. The first injury Certificate of Sunil Prakash Chandel shows that he has sustained the stab injury on 10/10/2023 which was incised injury penetrating supra pubic region. Admittedly, the nature of the injury was grievous one but considering that the injured who have stated that the present applicant has not assaulted them by knife but the other co-accused have assaulted them by knife and said co-accused is already released on bail.

6. Considering the above facts and now the investigation is completed and charge-sheet is filed, the application of the applicant deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) The applicant – Rahul s/o Gajanan Tale in connection with Crime No.296/2023 registered with Police Station Dabki Road, Akola, District Akola for the offence punishable under Sections 307 read with Section 34 of the Indian Penal Code, be

released on bail on his executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant shall not enter into the vicinity of Shiv Nagar, Dabki Road, Akola till culmination of the trial.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

7. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*