



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

CRIMINAL APPLICATION (BA) NO.312 OF 2024
(Sunil s/o Namdeo Patil 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. R.M. Patwardhan, Advocate for the applicant.
Ms Prabhu, 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 01/11/2023 in connection with Crime No.665/2023 registered with Police Station Khaparkheda, Taluka Saoner, District Nagpur for the offence punishable under Sections 307, 504, 506 read with Section 34 of the Indian Penal Code.

2. As per the accusation against the present applicant the report is lodged by one Pankaj Ravindra Jod on an allegation that on 31/10/2023 till 7.30 p.m. he was canvassing for the BJP candidate along with 60 to 70 persons and thereafter all the political workers who gathered left the place. After that in front of Buddha Vihar Harshad Sunil Patil i.e. co-accused came there and the informant was chitchatting with the another person. At the relevant time, said injured Mithun @ Golu has asked for the Bluetooth speaker from Harshad Patil. At that time,

there was hot exchange of words between them and the co-accused started abusing. At the relevant time, present applicant also came there and he also exchange some words with the injured. Thereafter the scuffle was pacified by them. When Sunil Patil was taken towards his house at that time, the co-accused came from his house along with the knife in his hand but the present applicant intervened and at that time Mithun has sustained the injury on his right hand. It is further alleged that the co-accused has given a blow of knife in the abdominal portion of the injured. On the basis of said report, police have registered the crime.

3. Learned Counsel for the applicant submitted that as far as the role of the present applicant which reveals from the statement of the injured and the informant is that the present applicant has attempted to intervene in the quarrel. This contention that the present applicant has intervene the quarrel, and therefore, the injured has sustained the injury on his right hand is substantiated by the medical certificate. The statement of the injured also shows that when the co-accused brought the knife and was about to give a blow, at that time, present applicant intervene and trying to snatch the said knife from the hands of the co-accused. He submitted that this statement of the injured itself is sufficient to show that present applicant has intervened in the quarrel and tried to pacify the same and in that the injured has sustained the injury on his hand. Therefore, considering

the role of the present applicant he has not committed any offence. Now, investigation is completed and charge-sheet is filed, his further incarceration is not required and he be released on bail.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that involvement of the present applicant revealed not only from the recitals of the FIR but also from statements of the eye-witnesses. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers. Admittedly, the quarrel started on account of handing over the Bluetooth and the co-accused went inside the house and brought the knife and gave a blow of knife on the person of the injured i.e. Mithun @ Golu. As far as role of the present applicant is concerned which reveals from the statement of the injured is that he was attempting to snatch the knife from the hands of the co-accused. Considering the same, the intention of the present applicant appears to be to intervene in the quarrel and not to assault the deceased. Considering the role attributed to the applicant and now investigation is completed and charge-sheet is filed, further incarceration is not required. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) The applicant – Sunil s/o Namdeo Patil in connection with Crime No.665/2023 registered with Police Station Khaparkheda, Taluka Saoner, District Nagpur for the offence punishable under Sections 307, 504, 506 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 directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(iv) The applicant shall report to the police station once in a month i.e. first Saturday of every month and the Police Station Officer shall record his presence.

6. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*