



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

CRIMINAL APPLICATION (BA) NO.408 OF 2024

(Sunil s/o Kumraj Shende 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. A.C. Jaltare, Advocate for the applicant.
Mr. M.J. Khan, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 21, 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 29/03/2023 in connection with Crime No.47/2023 registered with Police Station Kurkheda, District Gadchiroli for the offence punishable under Sections 307, 504 and 506 of the Indian Penal Code.

2. Learned Counsel for the applicant submitted that the applicant is the husband of grant daughter of the injured. The applicant and his wife were residing along with the injured at village Aandhali, Taluka Kurkheda, District Gadchiroli. On the day of incident, as per the allegation, the applicant came under the influence of liquor and was quarrelling with his wife as well as assaulting her. At that time, the injured intervened but the applicant has assaulted her by giving blow of knife on her neck, due to which she sustained the grievous injuries. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that now the investigation is completed and the charge-sheet is filed. The applicant is behind bar since the date of his arrest. As far as the alleged incident is concerned which resulted into the matrimonial dispute between the grand-daughter of the complainant and the applicant. Considering now the investigation is completed and charge-sheet is filed and the injured is discharged from the hospital and there is no apprehension of death. Only objection raised by the prosecution is that there is apprehension of tampering of the witnesses which can be taken care of, and therefore, he be released on bail.

4. *Per contra*, learned Additional Public Prosecutor strongly opposed the application contending that initially also there was non-cognizable offence was registered against the present applicant. The applicant has sat on the person of the injured and thereafter gave a blow by knife on the neck. Thus, considering the manner in which the alleged incident has taken place and the injured has caused the injury. There is apprehension that in future also the applicant can commit such type of act and there is apprehension of death at the hands of the present applicant. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that there was a quarrel between the husband and

wife in between the injured has intervened who is grandmother of the wife of the present applicant and present applicant has given a blow of knife on her neck and caused her injury. There is no dispute as to the fact that the injuries sustained by the informant is grievous in nature but considering now the investigation is completed and charge-sheet is filed and only apprehension raised by the prosecution is that in future also such type of incident is possible. Said apprehension can be taken care of by imposing certain conditions on the present applicant. As the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) The applicant – Sunil s/o Kumraj Shende in connection with Crime No.47/2023 registered with Police Station Kurkheda, District Gadchiroli for the offence punishable under Sections 307, 504 and 506 of the Indian Penal Code, be released on bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall not enter into the village Aandhali, Taluka Kurkheda, District Gadchiroli 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.

6. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*