



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

CRIMINAL APPLICATION (BA) NO. 440 OF 2024

Rajat alias Monu Naresh Ramteke V/s 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. H.S.Chawhan, counsel for the applicant.

Mr. Nitin Autkar, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 09/05/2024.

1. The applicant came to be arrested on 09/03/2024, in connection with crime No. 124/2024 registered with Police Station Imamwada, Nagpur City for the offence punishable under Section 294, 307 of the Indian Penal Code, 1860.

2. The accusation against the present applicant is on the basis of report lodged by Kavita Sachin Kangde sister-in-law of the injured who alleged that on 08/03/2024 at 10.00 a.m., the brother-in-law of the complainant i.e. injured and her husband were at home, and the injured came to meet them at Pachmadi Mahadev Yatra. It is further alleged that at about 3.15 p.m. her brother in law came home in an injured condition on his right cheek and there were marks on his left ear and left hand. So they inquired with him and he disclosed that he was assaulted by the present applicant, due to the previous dispute between them. It is further alleged that present applicant

was asking money for consuming the liquor which was denied by him and therefore, her brother in law was assaulted. On the basis of said report, the police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that as far as the injury sustained by the injured are concerned, which are not grievous in nature. The injured was immediately discharged from the hospital. Now, investigation is practically completed, the weapon of the offence is already recovered from the present applicant. Further incarceration of the present applicant is not required. There is no apprehension of death to the injured, due to the said injury. Considering the fact that the further incarceration of the applicant is not required, as investigation is practically completed, he be released on bail.

4. Learned APP strongly opposed the said application on the ground that considering the circumstances that as the injured has not paid the amount to consume the liquor, he was assaulted by the present applicant. The weapon used by the present applicant shows his intention. The investigation is yet to completed and charge-sheet is not filed. In view of that application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers. As far as the injuries sustained by the injured are

concerned, which are in the nature of laceration 7 x 2 cm. on the right angle of the mouth, CLW and abrasion. All the injuries are simple in nature, except the injury on head, which is on the left temporal region, but the injury which was grievous in nature shown by the Medical Officer is not life threatening injury. The diagram of the weapon also drawn by the medical officer and opined that, injuries are possible by the said weapon. The incriminating weapon is already recovered. The relevant statements of the witnesses are already recorded. Considering the fact that, now the weapon of the offence is already recovered and the injured is also discharged from the hospital. There is no threat of a death, due to the said injury and further incarceration of the present applicant is not required. In view of that, criminal application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] The criminal application is allowed.
- b] The applicant- **Rajat alias Monu Naresh Ramteke** shall be released on bail, in connection with crime No. 124/2024 registered with Police Station Imamwada, Nagpur City for the offence punishable under Section 294, 307 of the Indian Penal Code, 1860, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- b] The applicant shall not enter into the vicinity of Imawada, till culmination of the trial.
- c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]