



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

CRIMINAL APPLICATION (BA) NO.485 OF 2024

Ganesh Babarao More

Vs.

State of Maharashtra, Through Police Station Officer, Chandur Railway,
District Amravati

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

Court's or Judge's orders

Mr. Rupesh Dhengre Counsel h/f Mr. N. B. Rathod, Counsel for the
applicant.

Mrs. Shamshi Haider, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/11/2024

1. The applicant came to arrested on 05.06.2023 in connection with Crime No.277/2023 registered with Police Station Chandur Railway, District Amravati for the offences punishable under Sections 307, 323 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Police Head Constable Shrikrushna Sirsat on an allegation that the injured Ajay Pundlikrao Thombre was admitted in the hospital and he has recorded his statement. In the statement, the injured has stated that he was having love relationship with the sister of Rohan Yadav and on that count, he was assaulted by the present applicant and the other co-accused and thrown him on the

railway track. In the morning, when he woke up, he found that his right leg was amputated from the knee and thereafter, he approached to the police. On the basis of the said statement, the crime was registered.

3. Learned Counsel for the applicant submitted that now investigation is already completed and charge-sheet is filed. The applicant is behind bar since the date of his arrest i.e. more than one year. There are no chances of disposal of the trial in the near future. Considering the same, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that due to the dispute between the co-accused and the injured, he was assaulted and thrown on the railway track, due to which, he has sustained the permanent disability. Considering the nature of the offence and the injury sustained by the injured, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that applicant is arrested on 05.06.2023, since then he is behind bar. Now the investigation is completed and charge-sheet is filed. The injured is also discharged from the hospital. There is no dispute as to the fact that the injured has sustained the grievous injury, but considering the fact that now the investigation is

completed, his further incarceration is not required. The application deserves to be allowed. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant **Ganesh Babarao More** shall be released on bail in connection with Crime No.277/2023 registered with Police Station Chandur Railway, District Amravati for the offences punishable under Sections 307, 323 read with Section 34 of the Indian Penal Code, on executing PR bond of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not enter into the vicinity of Chandur Railway, District Amravati, till the culmination of the trial.
- (iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- (v) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)