



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

CRIMINAL APPLICATION (BA) NO.506 OF 2024

Sahil s/o Rajesh Uke

Vs.

The State of Maharashtra, Through Police Station Officer, Police Station
Imamwada, District Nagpur

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

Court's or Judge's orders

Mr. L. B. Khergade, Advocate for applicant.
Mr. Ganesh Umale, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 25/06/2024

1. The applicant came to be arrested on 13.04.2024 in connection with Crime 177/2024 registered with Police Station, Imamwada, District Nagpur for the offences punishable under Sections 307, 323, 504 and 506 (B) read with Section 34 of the Indian Penal Code and Section 4/25 of the Arms Act and Section 135 of the Maharashtra Police Act.

2. The accusation against the present applicant is on the basis of report lodged by Ritesh Deepak Tayade on an allegation that on 12.04.2024, he received a phone call of his wife and therefore, he reached at home, at the relevant time, he found the present applicant and other co-accused were shouting and therefore, he restrained them from shouting, at the relevant time, another co-accused also came there along with sword in his hand. The

present applicant and co-accused Tushar hold him and the co-accused has given a blow of sword on his head. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that now, investigation is completed, charge-sheet is filed. As far as further incarceration is concerned, which is not required. The injured has sustained the simple injury, he is already discharged from the hospital, there is no apprehension of death. In view of that, the applicant be released on bail.

4. Learned APP strongly opposed the said application on the ground that with the assistance of the present applicant, the other co-accused has given a blow of sword on the vital part of the body. If applicant/accused is released on bail, he would tamper with the prosecution evidence.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the entire charge-sheet. As per the allegation, due to the quarrel between the informant and the present applicant on the trifle reason, the co-accused came along with weapon in his hand and present applicant and co-accused Tushar hold the informant and the co-accused has given blow of sword on his head. As far as the injuries are concerned, which are simple in nature. The injured is already discharged from the

hospital. Now, the investigation is also completed and charge-sheet is already filed. Considering the same, 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 following order:

(i) The application is allowed.

(ii) The applicant **Sahil s/o Rajesh Uke** shall be released on bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount, in connection with Crime 177/2024 registered with Police Station, Imamwada, District Nagpur for the offences punishable under Sections 307, 323, 504 and 506 (B) read with Section 34 of the Indian Penal Code, Section 4/25 of the Arms Act and Section 135 of the Maharashtra Police Act.

(iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)