



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

**CRIMINAL APPLICATION (BA) NO. 505 OF 2024**

Sujal s/o Kamal Birha and another  
Vs.

The State of Maharashtra, Through Police Station Officer, Police Station,  
Yashodhara Nagar, District Nagpur

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

Court's or Judge's orders

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Mr. C. R. Thakur, Advocate for applicants.  
Mr. Ganesh Umale, APP for respondent/State.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 11/06/2024**

1. The applicant No.1 and 2 are the accused numbers 6 and 1 respectively. They came to be arrested on 25.01.2024 in connection with Crime No.67/2024 for the offences punishable under Sections 143, 147, 148, 307, 324, 336, 337, 504, 506(2) read with Section 149 of the Indian Penal Code and 4/25 of the Arms Act and under Section 135 of the Maharashtra Police Act.

2. The accusation against the present applicants is on the basis of report lodged by Lalit Deepak Sulakhe on an allegation that there was a previous dispute between him and the present applicants and the other family members of the present applicants. On 23.01.2024, in the night when he was sitting in his house along with his family at about 10.00 pm. At the relevant time, the

applicant No.2 was chit-chatting with his friends in loud voice and therefore, complainant came out of his house and asked the applicant No.2 not to shout and chit-chat in a loud voice. There was a quarrel between them and the complainant and other family members were abused. It is further alleged that on 24.01.2024 when the complainant was sitting with his brothers, at that time applicant No.2 Raman Pande and other co-accused came there with swords, knives in their hands and abused the complainant. It is further alleged that he as well as the other family members were assaulted by the present applicants and other co-accused by the weapons in their hands, due to which they have sustained the injuries. On the basis of said report police have registered the crime against the present applicants and the other co-accused. The other co-accused Nos.2 to 5 are already released on bail.

3. Learned Counsel for the applicant submitted that as far as the role of the present applicants is concerned which is narrated by the complainant. However, now investigation is completed and charge-sheet is filed. The injured have sustained the simple injuries. Only one witness by name Rakesh has sustained the grievous injury and the said injury is attributed to Kamal Birha who is already released on bail. He further submitted that there was a previous dispute and due to which all the family members were implicated in the alleged

offence. Considering now there is no apprehension of death to any of the witnesses. The investigation is completed and charge-sheet is filed, further incarceration of the present applicants is not required and therefore, they be released on bail.

4. Learned APP strongly opposed the said application on the ground that the circumstances under which the alleged incident has taken place and the applicants assaulted the injured and the other prosecution witnesses by means of deadly weapons, the application deserves to be rejected.

5. After hearing the learned Counsel for the applicants and learned APP for the State, perused the recitals of the FIR as well as the statement of the witnesses. Out of previous dispute the alleged incident has taken place. The medical certificates which are placed on record shows that only Rakesh has sustained the grievous injury, the other injured have sustained the simple injuries. The injury sustained by the Rakesh is attributed to Kamal Birha who is already released on bail by the learned trial Court. Considering that all the injured have sustained the simple injuries and now investigation is completed, charge-sheet is filed, no purpose will be served by keeping the applicants behind bar therefore, incarceration of the present applicants is not required. Accordingly, the application deserves to

be allowed. In view of that, I proceed to pass following order:

- (i) The application is allowed.
- (ii) The applicant **No.(1) Sujal s/o Kamal Birha and No.(2) Arjun s/o Raman Pande** shall be released on bail in connection with Crime No.67/2024 for the offences punishable under Sections 143, 147, 148, 307, 324, 336, 337, 504, 506(2) read with Section 149 of the Indian Penal Code and 4/25 of the Arms Act and under Section 135 of the Maharashtra Police Act, on executing PR bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.
- (iii) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- (iv) The applicants shall attend the proceeding before the learned trial Court without seeking any exemption unless there are exceptional circumstances.
- (v) Contravention of any of the conditions imposed by this Court would lead to the cancellation of the bail.

6. The application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**