



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

CRIMINAL APPLICATION (BA) NO. 599 OF 2024

Sachit s/o Chandrabhan Dharmik

Vs.

State of Maharashtra, Thru. PSO Hudkeshwar, Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A.M. Jaltare, Advocate for applicant.
Ms. Trupti Udeshi, APP for non-applicant/State.

CORAM : SMT. URMILA JOSHI PHALKE, J.

DATE : 03.08.2024

The applicant came to be arrested on 22.05.2024 in connection with Crime No.376/2024 registered with Police Station Hudkeshwar, Nagpur, for the offence punishable under Sections 147, 148, 326, 504 read with Section 149 of the Indian Penal Code. Initially, the offence was registered under Section 326 subsequently, it was converted into the Section 307 of the Indian Penal Code.

2. As per the allegation by the informant during Ramnavmi of 2024, he met one Bhavna near Lohapuliya. At that time, she was accompanied by her family members and the present applicant. There

was she introduced the complainant with every one. On the next day, the complainant received a call from unknown number, asking him why he is communicating with said Bhavna and asked him to meet. On 21.05.2024 at about 7:30 p.m. the complainant received a message and the location from Bhavna and asked the complainant to meet. The complainant along with his friends went at the same place wherein he was assaulted by the present applicant and the other co-accused.

3. Mr. Jaltare, learned counsel for the applicant submitted that as far as the incriminating weapon is concerned, which is recovered, at the instance of the co-accused. He submitted that the injured is also discharged from the hospital and now, he is not having any apprehension of death. The relevant statements are already recorded by the investigating officer. Thus, the investigation is practically completed. Further incarceration of the present applicant is not required, in view of that, he be released on bail.

4. Learned APP strongly opposed the said application on the ground that investigation is still in progress, at this stage, the interrogation of the

present applicant is required. She further pointed out that the applicant has used the sharp weapon and the injured had sustained the grievous injuries in the said incident. The medical certificate shows that he has sustained the incised wound as well as the contusion. The injured had sustained in all four injuries on his persons. Thus, she submitted that considering, the manner in which, the offence is committed, the application deserves to be rejected.

5. After hearing the learned counsel for the applicant and learned APP for the State, perused the investigation papers from which it reveals that the informant was communicating with a girl Bhavna, when the alleged incident has taken place. Admittedly, the present applicant has used the sharpened weapon and he repeated blow but, now, investigation appears to be practically completed, though charge-sheet is not filed. The injured is also discharged from the hospital. The incriminating weapon is already recovered at the instance of the co-accused. Considering the said further incarceration of the present applicant is not required. In view of that the application deserves to be allowed. Accordingly, I proceed to pass the following order : -

- (a) The application is allowed.
- (b) The applicant **Sachit s/o Chandrabhan Dharmik** shall be released on bail in connection with Crime No.376/2024 registered with Police Station Hudkeshwar, Nagpur, for the offence punishable under Sections 147, 148, 307, 326, 504 read with Section 149 of the Indian Penal Code, on executing PR bond of Rs.25,000/- each with one surety in the like amount.
- (c) The applicant shall not enter into the vicinity of Karanja Lad, District-Washim, till the culmination of the trial.
- (d) The applicant shall not induce, threat or promise any witnesses in any manner who are acquainted with the facts of the case.

6. The criminal application is disposed of.

(SMT. URMILA JOSHI PHALKE, J)