



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

CRIMINAL APPLICATION (BA) NO.651 OF 2024

Sachin s/o Chaitram Patil

Vs.

State of Maharashtra, Through Police Station Officer, Police Station
Hudkeshwar, Nagpur, 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. R. S. Kurekar, Advocate for applicant.

Ms. Sneha Dhore, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 08/08/2024

1. By preferring this application, the applicant is seeking bail in connection with Crime No.391/2024 registered with Police Station Hudkeshwar, Nagpur, District Nagpur for the offences punishable under Sections 307, 323 and 504 read with Section 34 of the Indian Penal Code. The applicant is arrested on 27.05.2024.

2. The accusation against the present applicant is on the basis of the report lodged by the injured on an allegation that on 24.05.2024 at about 9.00 p.m. when he was at home, his friend called him for chit-chatting therefore, he went to meet his friend. At the relevant time, when they were at Noor Pan Palace, the present applicant and another accused also came there by their two-wheeler. They were under the influence of alcohol. As the pan palace was closed therefore, the co-accused has

asked him for 'Kharra' which he denied and on that count, he was abused. At the relevant time, the co-accused has removed the knife from his pant pocket and present applicant hold him and also instigated the other co-accused to give a blow and other co-accused has given a blow. Due to which, he sustained the injuries. On the basis of said report, police have registered the crime against the present applicant.

3. The learned Counsel for the applicant submitted that as far as the role of the present applicant is concerned, which is only to the extent of holding the injured. The applicant was not holding any weapon in his hand. As far as the allegation regarding the instigation is concerned, which is false one, the applicant has never instigated. On the contrary, the applicant was not knowing that the co-accused is holding knife or possessing the knife in his hand. He submitted now the investigation is completed and charge is about to be filed. The injured is already discharged from the hospital and there is no apprehension of death. Considering that now, the investigation is practically completed, further incarceration of the present applicant is not required, in view of that the applicant be released on bail.

4. The learned APP strongly opposed the said application and submitted that the applicant has not only hold the injured but also instigated the other

co-accused for giving a blow on the person of the injured. Thus, the role of the present applicant revealed from the investigation papers, in view of that, 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. As far as the allegation regarding the instigation by the present applicant is concerned, which is not substantiated by the other witnesses. The role attributed to the present is that he hold the injured and there after, other co-accused has given a blow. Thus, only role attributed to the present applicant is that he hold the injured and therefore, the co-accused has executed the act. Whether the applicant was having knowledge that the other co-accused was holding the knife is a matter of evidence. At this stage, considering the investigation is practically completed and charge-sheet is about to be filed, further incarceration of the present applicant is not required. Moreover, injured is now discharged from the hospital and now there is no apprehension of death. Considering all these aspect, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass following order:

ORDER

- (i) Thea application is allowed.
- (ii) The applicant **Sachin s/o Chaitram Patil** shall be released on bail in connection with Crime No.391/2024 registered with Police

Station Hudkeshwar, Nagpur, District Nagpur for the offences punishable under Sections 307, 323 and 504 read with Section 34 of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter into the jurisdiction of Hudkeshwar Police Station, till culmination of 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 trial Court without seeking any exemption unless there are exceptional circumstances.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)