



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

CRIMINAL APPLICATION (BA) NO. 653 OF 2024

Rahul s/o Wamanrao Moon and another Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.V. Rai, counsel for the applicants.

Mr. N.B.Jawade, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 30/07/2024.

1. The applicants came to be arrested on 01/06/2024, in connection with Crime No. 467/2024, registered with Police Station Pulgaon, Tq. Deoli, District Wardha for the offence punishable under Sections 143, 147, 148, 323, 324, 326, 504 and 506 read with Section 149 of the Indian Penal Code, 1860.

2. The learned counsel for the applicants submitted that, regarding the said incident, the cross-complaints are filed. As per the allegation, the present applicants have assaulted the grandfather of the informant by means of a stick, and he sustained grievous injuries. On the basis of the said report, the police have registered the crime against the present applicants.

3. He further submitted that, regarding the said incident, a cross-complaint is also filed. The injuries are also sustained by applicant No.1 in the alleged incident. He submitted that the investigation is almost completed, though

the charge sheet is not filed. The injured is already discharged from the hospital; therefore, further incarceration of the present applicants is not required. In view of that, they be released on bail.

4. Learned APP strongly opposed the said application on the ground that old man is mercilessly assaulted by the present applicants by means of stick. He has sustained the grievous injuries like compound fracture of the skull and the fracture of radius ulna as well as fracture of scapula and 9, 11 ribs. Thus, considering the injuries sustained by the injured, and the investigation is still in progress. Hence, the application deserves to be rejected.

5. After hearing learned counsel for the applicants and learned APP for the State, perused the investigation papers from which, it reveals that due to the previous enmity there was a free fight, the applicants as well as the prosecution witnesses have sustained the injuries. As far as the role of the present applicants is concerned, it is specifically narrated that they have assaulted the injured by means of stick and injured have sustained the grievous injuries. But, now the injured is already discharged from the hospital, there is no apprehension of death to the injured, investigation is practically completed, though charge-sheet is not filed. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order;

- a) The applicants – (1) Rahul s/o Wamanrao Moon (2) Suraj s/o Dayasagar Moon shall be

released on bail, in connection with Crime No. 467/2024, registered with Police Station Pulgaon, Tq. Deoli, District Wardha for the offence punishable under Sections 143, 147, 323, 324, 326, 504 and 506 read with Section 149 of the Indian Penal Code, 1860, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- b) The applicants shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.
- c) The applicants shall not induce threat or promise any witnesses who are acquainted with the facts of the present case.
- d) The applicants shall not enter into the vicinity of Durgada, Deoli, Tq. Pulgaon, District Wardha till culmination of the trial.

The criminal application is disposed of accordingly.

[URMILA JOSHI-PHALKE, J.]