



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

CRIMINAL APPLICATION (BA) NO. 706 OF 2024

Rajendra @ Tiger s/o Umashankar Aareva 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. A.G. Hunge, counsel for the applicant.

Mrs. Sneha Dhote, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 28/08/2024.

1. The applicant came to be arrested on 02/01/2024, in connection with Crime No. 06/2024 registered with Police Station Ramtek, District Nagpur for the offence punishable under Sections 307, 506 read with Section 34 of the Indian Penal Code, 1860; and Sections 4/25 of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act, 1951.

2. The crime is registered on the basis of a report lodged by the injured on an allegation that on 01/01/2024 he along with his friends proceeded to meet their friend Vilas Meshram, who is a resident of Banpuri. After meeting with Vilas, he went to the village of Banpuri. Thereafter, the informant along with his friends went to Suresh Kamdi, who is a resident of Nagardhan, and he is a relative of the complainant. It is further alleged that when complainant along with his friends and Suresh Kamdi were on the construction site at the relevant time, the present applicant

along with the other co-accused came towards them and started quarreling with them, on the ground that the informant was staring at them. He caught hold of the collar of the complainant and assaulted him by fist and kick blows on his face and nose. It further alleged that thereafter, he attempted to give a blow by sword on the head of the informant. However, the informant has not received the blow, as he moved from said place. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that, as far as the allegation is concerned, the informant who has sustained the injuries is now discharged from the hospital. The nature of the injuries is not of a grievous nature, but he sustained the hairline fracture on the mid of the nose. Now investigation is completed and charge-sheet is filed. He submitted that during the sudden quarrel, the alleged incident of scuffle took place between them. Now, considering the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required, and therefore he be released on bail.

4. Learned APP strongly opposed the said application and submitted that there are criminal antecedents against the present applicant. Moreover, on trifling reasons, the informant was assaulted by the present applicant. Considering the criminal background of the present applicant, if he is released on bail, he would tamper with the

prosecution evidence. In view of that, the application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR and medical certificate as well as the various statements recorded during the investigation. It reveals from the investigation papers that this scuffle took place on the trifling reason between the present applicant and the informant, on that present applicant assaulted him with fist blows, due to which he has sustained a hairline fracture on the mid of the nose. Now, the investigation is already completed charge-sheet is already filed, and the informant is already discharged from the hospital. There is no apprehension of death; considering all these aspects, the applicant has made out a case for grant of bail. In view of that, I proceed to pass the following order.

- a] The criminal application is allowed.
- b] The applicant- Rajendra @ Tiger s/o Umashankar Aareva, shall be released on bail, in connection with Crime No. 06/2024 registered with Police Station Ramtek, District Nagpur for the offence punishable under Sections 307, 506 read with Section 34 of the Indian Penal Code, 1860; and Sections 4/25 of the Arms Act, 1959; and Section 135 of the Maharashtra Police Act, 1951, on

executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c] The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.
- d] The applicant shall not enter into the vicinity of Parseoni, District Nagpur till culmination of the trial.
- e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]