



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

CRIMINAL APPLICATION (BA) NO. 713 OF 2024

Ajit S/o Mungnath Shinde 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. R. Kadu, counsel for the applicant.

Mr. U.R. Phasate, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/09/2024.

1. The applicant came to be arrested on 28/04/2022 in connection with Crime No. 114/2018 registered with Police Station Sindkhed Raja, District Buldhana for the offence punishable under Sections 307, 452, 323, 143, 147, 148 read with Section 149 of the Indian Penal Code, 1860 and Sections 4/25 of the Arms Act.

2. The crime is registered on the basis of a report lodged by Surekha Manohar Pawar alleging that on 14/06/2018, when she was present along with her husband in the house, at that time, at about 1.30 noon, she heard a noise of motorcycle therefore, her son had come out to see what happened. At the relevant time, the co-accused, Kishor Bhosale, without saying anything, had started assaulting her son Pawan therefore, he was raising the shouts. Thereafter, the said co-accused entered her house along with the present applicant and the other co-accused, they were also holding the weapons in their hands. The two unknown persons were also along with them, carrying the wooden stick. The

accused, namely Kishor Bhosale, assaulted her husband on account of lodging the complaint against them in Police. The present applicant has also alleged to have assaulted on the stomach of her husband with sword and therefore the intestine was protruding out. The other co-accused have also started assaulting them. On the basis of the said report, the police have registered the crime against the present applicant. Since the registration of the crime, the present applicant was absconding, and recently, on 28/04/2022, he was arrested, and supplementary charge-sheet was filed against him.

3. The learned counsel for the applicant submitted that, as the recitals of the FIR and the investigation papers show, no role is attributed to the present applicant. The mere presence of the applicant is not sufficient to attract the provisions against him. He submitted that now the investigation is completed and charge-sheet is filed. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that the trial is already on the verge of commencement, but because of the abscondance of the accused, the trial was held up for two years. The applicant and other co-accused, in furtherance of their common intention with deadly weapons, entered the house of the informant and assaulted her husband, as well as her son. Her husband had sustained the grievous injuries, which

sufficiently shows the involvement of the present applicant in the alleged offence.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers. The report of the District Judge is also called, who informed that the trial is on the verge of commencement, but because of the abscondance of the other two accused, the trial was not commenced. The present applicant is also arrested after two years, but trial is held up due to the abscondance of the present accused. The apprehension raised by the learned APP that if the applicant is released on bail again, he would abscond and again for years together, the trial would be held up. Moreover, the recitals of the FIR show the role attributed to the present applicant, which sufficiently shows his involvement in the crime. The husband of the informant has received the grievous injuries in the said incident.

Considering the fact that the trial was held up for two years because of the abscondance of the present applicant, no case is made out for grant of bail. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass the following order:

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]