



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

CRIMINAL APPLICATION (BA) NO.793 OF 2024

Tushar Sanjay Sonone and Anr.

Vs.

State of Maharashtra, Through Police Station Officer, Malegaon, Washim

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. N. Ali, Counsel for the applicants.

Ms. H. N. Prabhu, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 06/09/2024

1. The applicants who are the accused Nos.1 and 2 came to be arrested on 18.04.2024 in connection with Crime No.181/2024 registered with Police Station Malegaon, District Washim for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Abhishek Balu Bali on an allegation that on 17.04.2024 there was a procession on account of Ram Navami and the informant along with his mother was dancing in the said procession, at the relevant time, one Tushar Sonone pushed him and therefore, there was a hot exchange of words between them as to why he pushed him. On that account, there was a quarrel between the present applicants and the informant and his friends. After that quarrel, the present applicants left the place and

again came along with the weapon and assaulted him. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that now investigation is completed and charge-sheet is filed. As far as the injury is sustained by the injured Abhishek i.e. the informant is concerned, two injuries are incised wounds and other injuries are in the nature of lacerations and abrasions. Now, he is discharged from the hospital, there is no apprehension of death as far as the injuries are concerned. Considering the same, they be released on bail.

4. Learned APP strongly opposed the said application on the ground that it is not that in a sudden fight the applicants have assaulted the informant and other prosecution witnesses, but they went home thereafter brought the weapons and thereafter assaulted the injured and the other prosecution witnesses. Considering the nature of the circumstances in which the alleged incident has taken place is to be taken into consideration. There are criminal antecedents also against the present applicants. In view of that, the application deserves to be rejected.

5. After hearing the learned Counsel for the applicants and learned APP for the State, perused the

investigation papers from which it reveals that there was a quarrel on account of pushed by the one Tushar Sonone to the informant and during the hot exchange of words, the applicants left the place and came along with the weapons and thereafter assaulted the informant as well as the other prosecution witnesses. There is no dispute as to the fact that the informant has sustained two incised wounds and was treated in the hospital. Now investigation is completed and charge-sheet is filed. There is no apprehension appears to be there as far as the injury sustained by the informant is concerned, as he is already discharged from the hospital. As far as the contention raised by the learned APP is concerned regarding the criminal antecedents, merely because there are criminal antecedents is not sufficient to reject the application of the present applicants. Considering the investigation is completed and the injured is already discharged from the hospital, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **No.(1) Tushar Sanjay Sonone** and **No.(2) Saurabh Sanjay Sonone** shall be released on bail in connection with Crime No.181/2024 registered with Police Station Malegaon, District Washim for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code, on

executing PR Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

(iii) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(iv) The applicants shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

(v) The applicants shall not enter into the vicinity of near Dhavaleshwar Mandir, Malegaon, till the culmination of the trial.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)