



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

CRIMINAL APPLICATION (BA) NO.833 OF 2024

Karansingh s/o Kailassingh Rajput and another
Vs.

State of Maharashtra, Through Police Station Officer, Police Station
Jalamb, District Buldhana

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

Court's or Judge's orders

Mr. Bhavan Suchak Counsel along with Mr. K. H. Anandani, Counsel for the
applicants.

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

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 24/09/2024

1. The applicants came to arrested on 08.07.2024 in connection with crime No.154/2024 registered with Police Station Jalamb, District Buldhana for the offences Punishable under Sections 109, 3(5), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of report lodged by Durgesh Ishwarsingh Rajput on an allegation that he received a phone call from his son informing him that the present applicant and his brother and other family members have assaulted the brother and mother of the informant. He immediately rushed to the spot and found that his mother and brother both were in injured condition and they have sustained the grievous injuries. Immediately they

have shifted to the hospital. It is alleged that present applicant have assaulted both of them along with the other co-accused by means of iron pipes. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicant submitted that both families are residing in the neighbour and due to the dispute between them, the alleged incident happened. He submitted that as far as the injured are concerned, now they are discharged from the hospital. There is no apprehension of death. They have sustained the injuries which are simple in nature. In view of that, they be released on bail.

4. Learned APP strongly opposed the said application on the ground that the manner in which the injured are assaulted which was to be taken into consideration. The brother of the informant has received the fracture injury, due to the said assault. If the applicant are released on bail, there is apprehension of the similar incident. 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 from which it reveals that both families are residing in the neighbourhood and there was a dispute between them, out of that dispute the

present applicants and other co-accused have assaulted the injured and his mother. Considering the now injured are already discharged from the hospital. The investigation is completed and charge-sheet is filed, their further incarceration is not required. However, considering the manner in which the injured are assaulted, it is necessary to impose the conditions. In view of that I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **No.(1) Karansingh s/o Kailassingh Rajput and No.(2) Ajaysingh s/o Sardarsingh Rajput** shall be released on bail in connection with crime No.154/2024 registered with Police Station Jalamb, District Buldhana for the offences Punishable under Sections 109, 3(5), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023, on executing PR Bond in the sum of Rs,25000/- 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 present case.
- (iv) The applicants shall not indulge in the similar type of the activities.
- (v) The applicants shall attend the proceeding before the trial court without seeking any exemption unless there are exceptional circumstances.

(4)

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(vi) The contravention of any of the condition imposed would lead to the cancellation of bail.

(URMILA JOSHI-PHALKE, J.)

Sarkate