



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

CRIMINAL APPLICATION (BA) NO.941 OF 2024

Shahid Kalandar Saha
Vs.
State of Maharashtra, Through Sitabuldi Police Station,

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

Court's or Judge's orders

Mr. S. H. Mansoori, Counsel for the applicant.
Mr. Nitin Autkar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19 /10/2024

1. The applicant came to be arrested on 12.10.2022 in connection with Crime No.436/2022 registered with Police Station, Sitabuldi, Nagpur, District Nagpur for the offence punishable under Section 307 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by the informant who is a Police Constable alleging that he was discharging his duty on 11.10.2022 at about 9.00 p.m. on the relevant night at about 10.30 p.m., one person came in the Police Station and disclosed that one unknown person is lying in the pool of blood. He immediately rushed to the spot and it revealed to him that there was a dispute between the present applicant and the said person on account of the hand loan amount and therefore, the present applicant has assaulted. On

the basis of the report, police have registered the crime. During the investigation, the statement of the injured is also recorded and the involvement of the present applicant revealed therefore, he was arraigned as an accused.

3. Heard learned Counsel for the applicant who submitted that as far as the involvement of the present applicant is concerned, it is on the baseless and false allegation. Now the investigation is completed. Out of four injuries, three injuries are simple in nature. The applicant is behind bar since the date of arrest i.e. from two years and there is no apprehension of death to the injured. Considering all these aspects, the applicant be released on bail.

4. Learned APP strongly opposed the said application on the ground that considering the gravity of the offence, four injuries are sustained by the injured and the manner in which he was assaulted, the application deserves to be rejected.

5. Having heard the learned Counsel for the applicant and learned APP for the State, perused the investigation papers from which it reveals that due to the trifle reason on account of the money transaction, the injured was assaulted by the present applicant. Out of four injuries, three injuries are simple in nature. Though one injury is grievous, but now he is discharged from the hospital and there is

no apprehension of death. The investigation is already completed and charge-sheet is filed. Considering all these aspects, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **Shahid Kalandar Saha** shall be released on bail in connection with Crime No.436/2022 registered with Police Station, Sitabuldi, Nagpur, District Nagpur for the offence punishable under Section 307 of the Indian Penal Code, on executing PR Bond of Rs.25,000/- with one solvent surety in the like amount.

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

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

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)