



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.977 OF 2024
(Shubham s/o Rajendra Lokhande 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.R. Vyas, Advocate for the applicant.
Ms S. Haider, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- NOVEMBER 14, 2024

By this application, the applicant is seeking bail as he came to be arrested on 29/04/2024 in connection with Crime No.386/2024 registered with Police Station Pulgaon, District Wardha for the offence punishable under Sections 143, 147, 148, 307, 324 read with Section 149 of IPC and Sections 4 and 25 of the Arms Act, 1959.

2. The accusation against the present applicant is on the basis of report lodged by the wife of the injured on an allegation that on 25/04/2024 at about 6.00 pm the applicant saw to Ashish Wankhede travelling on motorcycle with his friend Sushashant Waghmare and then the applicant with intent to kill tried to run over his Maruti 800 car bearing No. MH-31/BB-0949 over the person of the injured however, the motorcycle rider Sushant took the motorcycle away from the road and thereafter the injured and the other prosecution witness was assaulted by the present applicant and the other

co-accused. As far as present applicant is concerned it is alleged that present applicant was holding iron rod in his hand and given a blow of iron rod on the head of the injured. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that the entire prosecution case itself is doubtful and invited my attention towards the history narrated before the Medical Officer which shows that the injured has sustained the injury due to the accident. He further invited my attention towards the statements of the various witnesses. To substantiate the contention that the prosecution has suppressed the origin of the incident and the origin of the incident shows that the injured has sustained the injury in an accident. He submitted that now injured is discharged from the hospital and there is no apprehension of death. Now the investigation is completed and charge-sheet is filed, further incarceration of the applicant is not required. The stab wound is not attributed to the present applicant. In view of that, the application deserves to be allowed.

4. Learned APP strongly opposed the application on the ground that in furtherance of common object, the injured and the other prosecution witness are assaulted by the present applicant and the other co-accused. There are criminal antecedents against him. If he is released on bail, there is possibility of involving himself in similar type of

the offence. Hence, the application deserves to be rejected.

5. Heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that due to the previous dispute between the applicant and the injured, the applicant and other co-accused appears to have assaulted the injured. As far as present applicant is concerned, the allegation against the present applicant is that he has given a blow by iron rod on the head of the injured. The head injury sustained by the injured is in the nature of the lacerated wound. As far as the stab wound is concerned which is not attributed to the present applicant. Now, investigation is already completed, charge-sheet is filed. Mere criminal antecedents are not sufficient to reject the bail application of the applicant. The applicant cannot be kept behind the bar by way of punishment. Considering the fact that the stab wound is not attributed to the present applicant there is inconsistency as to the occurrence of the incident. The investigation is already completed, charge-sheet is filed, further incarceration of the applicant is not required. Hence, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant - Shubham s/o Rajendra Lokhande in connection with Crime No.386/2024 registered with Police Station

Pulgaon, District Wardha for the offence punishable under Sections 143, 147, 148, 307, 324 read with Section 149 of IPC and Sections 4 and 25 of the Arms Act, 1959, be released on bail on executing P.R. 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 either personally or by way of electronic media.

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

(v) The applicant shall not enter into the vicinity of village Deoli, District Wardha till culmination of the trial.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)