



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

CRIMINAL APPLICATION (BA) NO.988 OF 2024
(Mahesh s/o Jalamsingh Halde 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.M. Daga, Advocate for the applicant.
Mr. K.R. Lule, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- NOVEMBER 27, 2024.

The applicant came to be arrested on 08/12/2023 in connection with Crime No.683/2023 registered with Police Station Daryapur, District Amravati for the offence punishable under Sections 307 and 143 of the Indian penal Code, Section 3 and 25 of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act, 1951.

2. The crime is registered on the basis of report lodged by the father of the injured on an allegation that in the month of October, 2023 present applicant approached to him and disclosed that he performed the marriage with injured and also shown the marriage certificate. It is further alleged that he has abused by calling on the mobile phone of his wife as well as threatened them. It is further alleged that on the day of incident, he has caused the injury by firing the bullet to the injured and she has sustained the injuries. On the basis of said report, police have registered the crime against the present applicant.

3. I have heard learned Counsel for the applicant who invited my attention towards one application filed by the applicant with Police Inspector Gadge Nagar Police Station, Amravati alleging that prior to the registration of the crime i.e. on 30/10/2023 the applicant has filed an application alleging that he has received the friend request from the injured Tejaswini Solanke and he has responded the same, thereafter she has attempted to extract the money from her by threatening him. He submitted that due to the said reason he is implicated in the alleged offence.

4. He submitted that apart from the merits of the case now investigation is completed and charge-sheet is filed, further incarceration of the applicant is not required. In support of his contention, he placed reliance on the decision of *Nagesh G. Kamble Vs. The State of Maharashtra [2020 ALL MR (Cri) 2956]* as well as *Vicky @ Vikas K. Ahire Vs. The State of Maharashtra [2020 ALL MR (Cri) 2958]*.

5. *Per contra*, learned APP strongly opposed the application and submitted that empty cartridges are recovered from the car of the present applicant. The statement of the injured and the recitals of the FIR sufficiently shows his involvement in the alleged offence. Considering the same, the application deserves to be rejected.

6. I have heard learned Counsel for both the parties. Perused the investigation papers as well as the injury certificate which shows that the injury was in the nature of contusion and lacerated wound. Though history of firearm injury was given, there was no entry or exit wound shown in the medical certificate. There appears to be some dispute between the injured and the present applicant as they have developed the friendship amongst themselves. The statement of the injured and the other witnesses though shows the involvement of the present applicant but considering now investigation is completed and charge-sheet is filed and the nature of the injury nowhere shows the entry or exit wound, the applicant has made out a case for grant of bail. Hence, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Mahesh s/o Jalamsingh Halde in connection with Crime No.683/2023 registered with Police Station Daryapur, District Amravati for the offence punishable under Sections 307 and 143 of the Indian penal Code, Section 3 and 25 of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act, 1951, be released on bail on executing a P.R.Bond in the sum of

Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case either personally or by way of electronic media.

(iv) The applicant shall not enter into the vicinity of village Anjangaon Surji, District Amravati till culmination of the trial.

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

7. The contravention of any of the condition imposed by this Court would lead to cancellation of bail.

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)