



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

CRIMINAL APPLICATION (BA) NO.1007 OF 2024
(Namedeo s/o Raghunath Bhure 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. P.R. Bhure, Advocate for the applicant.
Mr. H.D. Dubey, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- NOVEMBER 26, 2024.

The applicant came to be arrested on 28/09/2024 in connection with Crime No.435/2024 registered with Police Station Kamptee, District Nagpur for the offence punishable under Sections 109, 296 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4/25 of the Arms Act, 1959.

2. The crime is registered on the basis of report lodged by Sanjay Gujewar on an allegation that on 25/09/2024 at about 10.30 PM when he was returning towards his home at the relevant time, one person by name Amit Bhure i.e. the son of the present applicant restrained him and demanded money from him and also assaulted him by means of sword due to which he sustained the injuries. As far as the present applicant is concerned it is alleged that present applicant has caught hold him at the relevant time. On the basis of said incident, the police have registered the crime against the present applicant and other co-accused. He submitted that

only role attributed to the present applicant i.e. catching hold of the injured. As far as the assault is concerned, the allegation is levelled against the co-accused. Now, investigation is practically completed though charge-sheet is filed. The injured is already discharged from the hospital. The injury is not on the vital part. Considering all these aspects and considering the fact that the applicant is a senior citizen, he be released on bail.

3. Learned APP strongly opposed the application and submitted that the act of assault with common intention, and therefore, the application deserves to be rejected.

4. After hearing both the sides and on perusal of the investigation papers it reveals that the co-accused was under the influence of liquor and by restraining the injured he has assaulted him by means of sword. As far as present applicant is concerned only allegation against him that he caught hold the injured and thereafter the co-accused as executed the act. Considering the fact that, now investigation is completed and injury is not sustained on the vital part of the body, 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 – Namedeo s/o Raghunath Bhure in connection with Crime

No.435/2024 registered with Police Station Kamptee, District Nagpur for the offence punishable under Sections 109, 296 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4/25 of the Arms Act, 1959, be released on bail on executing a PR.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 attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

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

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)