



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

CRIMINAL APPLICATION (BA) NO. 1059 OF 2024

Sanjay s/o Yashwantrao Gujewar 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. J.S. Kurwe, counsel for applicant.

Mrs. H.N. Prabhu, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/11/2024.

1. Present application is filed by the applicant for grant of bail filed under Section 483 of the Bhartiya Nagrik Suraksha Sanshita in connection with Crime No. 436/2024 registered with police station Kamptee (New), Nagpur for the offence punishable under Sections 109, 115(2), 296, 3(5) of the Bhartiya Nayay Sanhita.

2. The crime is registered on the basis of a report lodged by Namdeo Raghunath Bhure, on an allegation that on 25/09/2024, at about 10.30 to 11.00 p.m., the present complainant was present in his house, at that time, the present applicant and other co-accused came to his house and started abusing his son in filthy language. On that count, there was a hot exchange of words, and in the said incident, the present applicant has assaulted the complainant by means of a wooden stick. Due to which, he has sustained the injury on his hand. On the basis of said report, police have registered the crime against him and other co-accused.

3. Learned counsel for the applicant submitted that as far as the role of the present applicant is concerned, it is alleged that he has assaulted the injured by means of a wooden stick. In fact, there was a free fight between the two parties. The present applicant also sustained the injuries in the said incident, and the counter FIRs are also filed. Though the injury certificate shows that grievous injuries were sustained by the injured, who is now discharged from the hospital, the investigation is also practically completed, and further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that the injured has sustained the grievous injuries. Though the investigation is practically completed, the charge sheet is yet to be filed. There is apprehension that if the applicant/accused is released on bail, he would tamper with the prosecution witnesses. Hence, the application deserves to be rejected.

5. After hearing both sides and on perusal of investigation papers, it reveals that counter FIRs are filed regarding the said incident. The applicant, as well as the injured, have sustained the injuries in the scuffle. Now, the investigation is practically completed, as far as further incarceration of the present applicant is concerned, which is not required. The apprehension raised by the learned APP regarding the tampering of the witnesses is concerned,

which can be taken care of by imposing certain conditions on the present applicant. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] Criminal application is allowed.
- b] The applicant- Sanjay s/o Yashwantrao Gujewar shall be released on bail, in connection with Crime No. 436/2024 registered with police station Kamptee (New), Nagpur for the offence punishable under Sections 109, 115(2), 296, 3(5) of the Bhartiya Nayay Sanhita, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall not enter into the vicinity of Kamptee till culmination of the trial.
- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- e] The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]