



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

CRIMINAL APPLICATION (BA) NO. 1077 OF 2024

Vivek s/o Lekhraj Barbate 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.Agrawal, counsel for applicant.

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

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/12/2024.

1. The applicant came to be arrested on 17/09/2024 in connection with Crime No. 268/2024 registered with police station Ram Nagar, Gondia for the offence punishable under Sections 109, 189(2), 190, 191(2), 193(3), 351(2), 351(3) and 352 of the Bhartiya Nyaya Sanhyita, 2023.

2. Heard learned counsel for the applicant, who submitted that the allegation against the present applicant is on the basis of a report lodged by one Ayush Dilip Pardhi alleging that on 16/09/2024 his father left the bar and restaurant, which is owned by them, for having dinner, and he was present in the said restaurant. At the relevant time, the present applicant, who is acquainted with the informant along with his friends, started quarreling with the informant due to monetary dispute. On that day, there was an altercation of the words, and during that altercation of words, as well as the other prosecution

witnesses, were assaulted by the present applicant and the other co-accused. They all have sustained the grievous injuries. On the basis of the said report, police have registered the crime against the present applicant and other unknown persons. During the investigation, the involvement of the other co-accused is revealed.

3. He submitted that as far as the further incarceration of the applicant is concerned, which is not required. Though the informant and other prosecution witnesses sustained the grievous injuries, but they are discharged from the hospital, there is no apprehension of any complication as to the said injury. The material statements of the witnesses are also recorded. As far as the identification of the present applicant is concerned, which is not required, as the informant is already acquainted with the present applicant. He submitted that there was a cross complaint filed by the present applicant also, but which was not taken. Considering the same, it appears that due to the previous dispute, the alleged incident has taken place. Thus, considering now, further incarceration of the present applicant is not required, hence he be released on bail.

4. Learned APP strongly opposed the said application and submitted that three witnesses have sustained the grievous injuries, which are grievous in nature. The present applicant and other co-accused have played specific role and caused the injuries to the injured. The test

identification parade of other co-accused is yet to be held. As far as the present applicant is concerned, his role is specifically stated by the informant and other witnesses. There are criminal antecedents against the present applicant also, considering all these aspects, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that due to the monetary dispute between the informant and the present applicant, the alleged incident has taken place. Admittedly, three injured witnesses have sustained the grievous injuries, but now they are discharged from the hospital, and there is no apprehension of death or any complication about the said incident. Considering the fact that an identification parade of the present applicant is not required, as the informant is already acquainted with the present applicant. Considering all these aspects, the applicant has made out a case of for grant of bail. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] The applicant – **Vivek s/o Lekhraj Barbate**, shall be released on bail, in connection with Crime No. 268/2024 registered with police station Ram Nagar, Gondia for the offence punishable under Sections 109, 189(2), 190, 191(2), 193(3), 351(2), 351(3) and 352 of the Bhartiya Nyaya Sanhyita, 2023, on

executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- b] The applicant shall not enter into the vicinity of Gondia except attending the proceedings before the Sessions Court till culmination of the trial.
- c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- d] The applicant shall attend the proceedings before the Sessions Court regularly without seeking any exemptions unless there are exceptional circumstances.

The criminal application is allowed and **disposed of.**

[URMILA JOSHI-PHALKE, J.]