



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

CRIMINAL APPLICATION (BA) NO. 1104 OF 2024

Nikhil Banduji Raut 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. M.N. Ali, counsel for applicant.

Mr. H.D.Dubey, APP for Non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/12/2024.

1. The applicant came to be arrested on 27/05/2024 in connection with crime No. 160/2024 registered with Police Station Girad, District Wardha for the offence punishable under Sections 307, 324, 504, 143, 147, 148 read with Section 149 of the Indian Penal Code, 1860 (IPC).

2. The crime is registered on the basis of a report lodged by the injured Swapnil, alleging that on 26/05/2024, at about 9:30, when he was present at his house, one Vrushabh Nate called him, informing him that he, along with his friend Vaibhav Raut were present near the field of his village at the relevant time, and Nikhil Bandu Raut, i.e. the present applicant, came there along with his family members and started quarreling with them on the count that they had reported the police about illegal sand transporting by tractor belonging to his family. The informant immediately reached the spot and saw that the

present applicants, Yogesh Raut, Gajanan Raut, and Bandu Raut, were quarreling with his friends namely Satish Pal, Vaibhav Raut, and Vrushabh Nate intervened and inquired about the quarrel at that time, present applicant and other co-accused started abusing him also, and they were assaulted by the sharp weapons. On the basis of the said report, police have registered the crime against the present applicant and the other co-accused.

3. Heard learned counsel for the applicant, who submitted that as far as the injuries sustained by the injured are concerned, which are simple in nature. Now all are discharged from the hospital, the investigation is completed, and the charge sheet is filed. All injured have sustained the simple injuries. There are criminal antecedents, as one crime is registered against him vide Crime No. 129/2024 under Section 379 read with Section 34 of IPC.

He further submitted that as far as further incarceration is concerned, which is not required, as the injured are not under the apprehension of any endanger to there human life. In view of that, the applicant be released on bail.

4. Learned APP strongly opposed the said application on the ground that considering three persons have sustained the injuries, the injuries sustained by the present applicant and present informant was serious in

nature, considering the same, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that the quarrel started between the applicant, the informant and the other prosecution witnesses, on the account of lodging the report against the present applicant and other co-accused as to the transporting of the illegal sand. In the scuffle three persons have sustained the injuries. The two injured persons, Vrushabh Nate and Vaibhav Raut, have sustained the simple injuries. There was no life-threatening injuries sustained by them. As far as the informant is concerned, he has sustained two grievous injuries, but now he is discharged from the hospital, and there is no apprehension of death, as far as the injuries are concerned. Now, the investigation is also completed, and the charge sheet is also filed, considering the circumstances under which the alleged incident has taken place. In view of that, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order.

- a] The application is allowed.
- b] The applicant- Nikhil Banduji Raut, shall be released on bail, in connection with crime No. 160/2024 registered with Police Station Girad, District Wardha for the offence punishable under Sections 307, 324, 504,

143, 147, 148 read with Section 149 of the Indian Penal Code, 1860, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c] The applicant shall not enter into the vicinity village Washi, Tahsil Samudrapur, District Wardha 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.]