



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

CRIMINAL APPLICATION (BA) NO. 1067/2023

Avinash s/o Pagwa Tandon V/s 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. C.D. Thamke, counsel for the applicant.

Mr. A.R.Chutke, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/01/2024.

1. The present application is filed by the applicant for grant of bail under Section 439 of Code of Criminal Procedure, 1973 in connection with Crime No. 360/2023 registered with Kalamna, Police Station, Nagpur for the offences punishable under Sections 307, 109, 114, 120-B read with Section 34 of the Indian Penal Code, 1860 and Sections 4 and 25 of the Arms Act 1959. The applicant came to be arrested on 22/05/2023.

2. As per the allegation in the report lodged by the informant that she is residing at Kalamna Nagpur along with her husband and son Hitesh and works as a maidservant. On 20/5/2023, in the morning she along with her husband went to the work place and her son was at home, at about 3.00 O'clock her sister-in-law informed her that her son was assaulted by somebody, and he was taken to the hospital. Subsequently, she came to know that it was the present applicant who has given blow of knife

on the thighs of her son, and caused grievous injury to him. On the basis of said report, the police have registered the crime.

3. The learned counsel for the applicant submitted that now injured is discharged from the hospital, and the injuries caused are not life threatening injury. Moreover, the applicant is implicated in the alleged offence. Due to the previous enmity, in fact he is not concerned with the alleged offence. Now, investigation is completed and charge-sheet is filed, further incarceration is not required and he be released on bail.

4. The said application is strongly opposed by the State on the ground that there is a prima facie material against the present applicant. The incriminating material i.e. weapon recovered at the instance of the present applicant shows that his involvement in the alleged offence. If he is released on bail, he will tamper with the prosecution evidence.

5. After hearing the learned counsel for the applicant and learned APP for the State, perused the investigation papers. Admittedly the injured has sustained four injuries, out of which, two injuries are grievous in nature. Now, injured is discharged from the hospital. From the medical report, it nowhere reveals that he has sustained the life threatening injuries. Now, investigation is already completed and charge-sheet is filed, further incarceration of the present applicant is not required and

no purpose will be served by keeping him behind bar. In the above circumstances, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

- a) The criminal application is allowed.
- b) The applicant is released on bail, in connection with Crime No.360/2023 registered with Kalamna, Police Station, Nagpur for the offences punishable under Sections 307, 109, 114, 120-B read with Section 34 of the Indian Penal Code, 1860 and Sections 4 and 25 of the Arms Act 1959, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c) The applicant shall not induce, threat or promises any witnesses who are acquainted with the facts of the present case.
- d) The applicant shall attend the trial Court proceedings regularly without seeking any exemption unless there are exceptional circumstances.

[URMILA JOSHI-PHALKE, J.]