



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

CRIMINAL APPLICATION (BA) NO. 1142 OF 2023

Ravi @ Ravindra s/o Tukaram Dekate

Vs.

State of Maharashtra, Through Police Station Officer, Hinganghat, District Wardha

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. M. Jaltare, Advocate for applicant.

Mr. V. A. Thakare, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 10/01/2024

1. Present application is preferred by the applicant for grant of bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.516/2023 registered with Police Station, Hinganghat, District Wardha for the offence punishable under Sections 326, 307 and 504 read with Section 34 of the Indian Penal Code. The applicant is arrested on 20.05.2023 and since then he is behind bar.

2. The accusation against the present applicant is on the basis of report lodged by the injured Rohit Prakash Gode on an allegation that on 11.05.2023, he had been to the present applicant for consuming the alcohol, but he was not having sufficient money, therefore he could not pay for the drinks and he was assaulted by the present applicant and other co-accused.

On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant Mr. Jaltare submitted that on the recitals of the FIR it shows that the subsequent statement of the informant are not corroborating to each other and complete different story is narrated by the informant in the said subsequent statement dated 18.05.2023. As per the subsequent statement, the role attributed to the present applicant is only to the extent that he has assaulted him by means of sickle hook on his back and the abdomen. The assault on vital part is attributed to the co-accused Praful Dekate, who is already released on bail by the trial Court. He submitted that within four days, the informant is discharged from the hospital and other injured has sustained the simple injuries. He further submitted that though there are criminal antecedents most of the cases are registered under the Bombay Prohibition Act and merely because there are criminal antecedent the liberty of the present applicant cannot be curtailed. Now, investigation is completed, further incarceration of the present applicant is not required and prays for the bail.

4. Learned APP strongly opposed the application on the ground that present applicant assaulted the injured and another witness by means of sickle hook, due to which, he has sustained the grievous injury. There are criminal antecedents against him. The criminal

antecedent are not only to the extent of cases under the Prohibition Act, several offences are registered under the offences of the Indian Penal Code. He further submitted that considering the criminal antecedent against the present applicant, the application deserves to be rejected.

5. Having heard learned Counsel for the applicant and learned APP for the State, perused the investigation papers. From the recitals of the FIR, the role attributed to the present applicant is that he has assaulted the injured by means of sickle hook and sustained injuries on vital part of the body. Whereas subsequent statement dated 18.05.2023, the role attributed regarding the assault on the vital part of the body is attributed to the co-accused Praful Dekate, who is already released on bail by the trial Court. Merely because, there are criminal antecedent against the present applicant admittedly, his liberty cannot be curtailed. Most of the offences are registered under the Bombay Prohibition Act. Now, investigation is already completed, charge sheet is filed and further incarceration of the present applicant is not required. In view of that, application deserves to be allowed. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant **Ravi @ Ravindra s/o Tukaram Dekate** be released on bail on executing PR bond in the

sum of Rs. 25,000/- with one solvent surety in the like amount, in connection with Crime No.516/2023 registered with Police Station, Hinganghat, District Wardha for the offence punishable under Sections 326, 307 and 504 read with Section 34 of the Indian Penal Code.

(iii) The applicant shall attend Police Station once in a month on Sunday between 10.00 a.m. to 1.00 p.m. till the culmination of the trial.

(iv) The applicant shall furnish his cell phone number and address with the address proof.

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

(vi) The applicant shall not enter into the vicinity of Hinganghat City except attending the trial Court.

(URMILA JOSHI-PHALKE, J.)