



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

CRIMINAL APPLICATION (ABA) NO.839 OF 2024

Balvant Sanjay Samudre

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Sakkardara, Nagpur District Nagpur

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

Court's or Judge's orders

Mr. Gurpreet Singh H. Chandok, Counsel for the applicant.

Ms. M. A. Barabde, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 19/12/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.414/2024 registered with Police Station, Sakkardara, Nagpur, District Nagpur for the offences punishable under Sections 118(1), 3(5), 352 of the Bharatiya Nyaya Sanhita, 2023, the applicant approached to this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by Tridesh @ Vikki Bablu Manpiya on an allegation that the applicant is his school friend and they are having friendship since long. On 02.11.2024 at about 9.00 p.m., when the informant was consuming liquor near the bridge at Sakkardara, there was quarrel between him and the present applicant and during that quarrel, the present applicant took out the knife and assaulted him on his

stomach, due to which, he sustained the injuries. On the basis of the said report, police have registered the crime.

3. Learned Counsel for the applicant submitted that the injured is already discharged from the hospital. As far as the purpose of custody is concerned, he is ready to produce the same before the Investigating Officer. His custodial interrogation is not required. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that the applicant was with preparation by carrying the knife along with him. There are criminal antecedents against the present applicant. In view of that the application deserves to be rejected.

5. After hearing both the sides and on perusal of the recitals of the FIR and the investigation papers, it reveals that under the influence of liquor there was a quarrel between two friends and during that quarrel present applicant has given a blow by knife on the waist of the injured, due to which, the injured has sustained the injury. The nature of the injury sustained by the injured is of a simple nature. As far as the custodial interrogation is concerned, which is required only for the purpose of recovery of the knife which can be taken care of by imposing

certain conditions on the present applicant. Considering the injured has sustained the simple injury and now he is already discharged from the hospital. The applicant has made out a case for grant of anticipatory bail. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest, the applicant **Balvant Sanjay Samudre** shall be released on bail, in connection with Crime No.414/2024 registered with Police Station, Sakkardara, Nagpur, District Nagpur for the offences punishable under Sections 118(1), 3(5), 352 of the Bharatiya Nyaya Sanhita, 2023, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not enter within the jurisdiction of Immamwada Police Station Nagpur City, till culmination of the trial.
- (iv) The applicant shall not induce, threat or promise any witnesses, who are acquainted with the facts of the case.
- (v) The applicant shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m. and shall produce the knife before the Investigating Officer and the said period shall be considered as his custody under Section 23(2) of the Bharatiya Sakshya Adhiniyam, 2023.

(4)

33.aba.839.2024.b

(vi) The applicant shall not indulge himself in similar type of the activities.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)