



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

CRIMINAL APPLICATION (BA) NO. 13 OF 2024

Pradip Dhaniram Bishwas

..VS..

State of Maharashtra through P.S.O., Police Station Desaiganj, Dist. Gadchiroli

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

Court's or Judge's orders

Mr. D.R. Galande, Advocate for applicant.
Mr. U.R. Phasate, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13th MARCH, 2024

This is an application under Section 439 of the Code of Criminal Procedure for grant of bail. The applicant came to be arrested on 22.08.2023 in connection with Crime No.350/2023, registered with Police Station Desaiganj, District Gadchiroli for the offence punishable under Sections 307, 452, 506(2) and 504 of the Indian Penal Code and Section 4(25) of the Arms Act.

2. The applicant is arrested on the basis of report lodged by the informant Latika Krushna Bala alleging that she has married with one Krushna Bala and having one daughter from the said wedlock, but as there is a discord between her and her husband, she is residing separately since 2015. The present applicant is the friend of her maternal uncle and he used to visit her house. Relationship developed between them

out of the love affair, but subsequently the dispute arose between them therefore, she was not residing along with him since 2022. It is alleged that he used to abused her on any trifle reason. On 21.08.2023 at about 07.00 p.m. when she along with her daughter was present at the house, the present applicant has opened the door by kicking on the door and came inside the house holding sickle in his hand and threatened her that initially he will kill her daughter and subsequently will kill her. He attempted to give a blow of that sickle on her daughter, but she rescued her daughter and fled away from the spot of incident along with her daughter. Due to the said incident, she as well as her daughter got scared. At the relevant time, they shouted for the help and the neighbours and the other persons came there, one of them has brought them to the police station and she has lodged a report. On the basis of said report, police have registered the crime.

3. The learned Counsel for the applicant submitted that as far as allegations are concerned, which are false one. The applicant never entered into the house, but merely because some dispute arose between them, false report is lodged. He further submitted that investigation is completed and charge-sheet is filed, further incarceration of the applicant is not required and none of the witness have sustained injury in the alleged incident. In view of that the applicant be released on bail.

4. Learned Additional Public Prosecutor for the State strongly opposed the said application and submitted that in fact, the act of the applicant coming into the house by holding sickle in hand shows his intention to commit the murder of the informant as well as her daughter. The informant and her daughter got scared and approached to the police station. If the applicant released on bail, there is apprehension of repetition of the same incident. In view of that, the application deserves to be rejected. He further submitted that considering the *prima facie* case against the present applicant and the apprehension, this Court shall reject the application.

5. Having heard the learned Counsel for the applicant and learned APP for the State and perused the investigation papers. The statement of the informant as well as the statement of her daughter and the statements of the neighbouring witnesses shows the presence of the applicant on the spot of incident. It also substantiate the allegation that present applicant came at the spot along with the weapon like sickle and attempted to give blow on the person of the daughter of informant, but informant has rescued her daughter. The statement of one Ravindra Dhale and other statements of the witnesses discloses the involvement of the present applicant in the alleged offence *prima facie*. The alleged weapon is also seized from the present applicant and applicant was caught on the spot of incident itself. Now,

investigation is completed and charge-sheet is filed. Considering the allegations and considering the apprehension raised by the learned APP, the application can be allowed by imposing certain conditions on the applicant.

6. In view of above, I proceed to pass following order :

- (i) The application is allowed.
- (ii) The applicant **Pradip Dhaniram Bishwas** shall be released on bail in connection with Crime No.350/2023, registered with Police Station Desaiganj, District Gadchiroli for the offence punishable under Sections 307, 452, 506(2) and 504 of the Indian Penal Code and Sections 4(25) of the Arms Act, on executing P.R. bond in the sum of Rs.25,000/- with one surety in the like amount.
- (iii) The applicant shall not enter into the Gadchiroli District till culmination of the trial except attending the Court proceedings on the scheduled dates.
- (iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

- (v) Contravention of any of the condition imposed would lead to the cancellation of the bail of present applicant.

The Criminal Application is **disposed of**.

(URMILA JOSHI-PHALKE, J.)

Kirtak