



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (BA) NO. 53 OF 2024**

VIJAY @ PURUSHOTTAM MITHULAL BERIYA AND OTHERS

**Vrs.**

STATE OF MAHARASHTRA

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

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Shri S. D. Chande, Advocate for applicants.  
Shri A. G. Mate, A. P. P. for respondent-sole.

**CORAM: URMILA JOSHI-PHALKE, J.**  
**DATE : 29/02/2024.**

1. The applicants came to be arrested on 24/10/2023 in connection with Crime No.791/2023 registered with Washim Police Station for the offences punishable under Sections 307, 294, 114 r/w Section 34 of the Indian Penal Code.

2. The accusation against the present applicants is on the basis of report lodged by Rahul Mohan Bamman on an allegation that on 23/10/2023 at 9.30 p.m., celebration of Durga Devi Festival was going on. The informant had been there along with his cousins Mayur Kanoje, Haribhau @ Prashant Gaju Mane and others. At the relevant time, present applicant No.2 - Yash Vijay @ Purushottam Beriya asked him about the contribution of Rs.1,000/- and thereafter, there was hot exchange of words between them. As per the allegation, the co-accused who is mother of the present applicants handed over the

weapon to them and present applicants Yash Vijay @ Purushottam Beriya, Vijay @ Purushottam Mithulal Beriya and Akshay @ Raj Vijay @ Puruthottam Beriya assaulted Mayur Kanoje and other prosecution witnesses. On the basis of said report, police have registered the crime against the present applicants.

3. Shri Chande, learned counsel for the applicants submitted that the cross complaints are filed by both the parties against each other. As far as injuries sustained by the injured namely; Vir Kanoje, Mayur Kanoje and Haribhau Mane are concerned which are in the nature of lacerated wound and simple injuries. Within one day, they are discharged from the hospital. Now, investigation is completed and charge sheet is filed. All the injured were under the influence of alcohol, considering that the injuries sustained are not life threatening injuries and there is no apprehension of death. The investigation is completed and the charge sheet is filed. Further incarceration of the present applicants is not required. They be released on bail.

4. Learned APP strongly opposed the application on the ground that due to trivial reasons, there was hot exchange of words between the applicants and the injured. The applicants used dangerous weapon and caused injuries to the injured persons who are 3 in numbers. Considering the prima facie case against the present applicants, application deserves to be rejected.

5. After hearing learned counsel for the applicants and learned APP for the State, perused the investigation papers. Admittedly, the incident occurred for the trivial reasons on account of paying of contribution and invited for the dinner during Durga Puja Festival. The injury certificate shows that all the injuries which are in the nature of laceration and within one day, they are discharged from the hospital. Thus, there was no threat or apprehension of death due to the injuries. Now, investigation is completed and charge sheet is filed. Further incarceration of the present applicants is not required. In view of that, application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :-

**ORDER**

- i] The application is allowed.
- ii] The Applicant Nos. 1] **Vijay @ Purushottam Mithulal Beriya**, 2] **Yash Vijay @ Purushottam Beriya** and 3] **Akshay @ Raj Vijay @ Purushottam Beriya**, be released on bail in connection with Crime No.791/2023 registered with Washim Police Station for the offence punishable under Sections 307, 294, 114 r/w Section 34 of the Indian Penal Code, on executing P. R. Bond of Rs.25,000/- each with one solvent surety of the like amount.
- iii] The applicants shall not induce, threat or promise to any witnesses, who are acquainted with the facts of the present case in any manner.

iv] The contravention of any of the conditions imposed would lead to the cancellation of bail of the present applicants.

6. The application is disposed of.

[URMILA JOSHI-PHALKE, J.]

*Choulwar*