



2.ba.246.2024.odt

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

**CRIMINAL APPLICATION (BA) NO. 246 OF 2024**

(Raju Swaminarayan Jaiswal V/s State of Maharashtra)

Office Notes, Office Memoranda of Coram,  
Appearances, court's orders or directions and  
Registrar's orders

Court's or Judge's orders

Mr. A. M. Jaltare, Advocate for Applicant.  
Mr. B. M. Lonare, APP for Respondent/State.

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**CORAM** : ANIL L. PANSARE, J.  
**DATE** : APRIL 18, 2024.

- . Heard learned Counsel for the parties.
2. By this Application under Section 439 of the Code of Criminal Procedure, 1973, the Applicant is seeking release on bail in Sessions Case No. 92/2022 (*State of Maharashtra V/s Raju @ Yeda Swaminarayan Jaiswal*) arising out of Crime No. 544/2022 for the offence punishable under Section 307 of Indian Penal Code.
3. The learned Counsel for the Applicant submits that the Applicant has himself surrendered before the Court on 11/8/2022. He has been booked for the incident that occurred on 9/4/2022. He has been chargesheeted for the offence punishable under Sections 307, 201 of Indian Penal Code in Crime No. 544/2022.
4. This is second attempt by the Applicant. On earlier

occasion he had filed application i.e. Criminal Application (BA) No. 5/2023, which was disposed of in following terms :

*“ After hearing the learned Advocate for the applicant for quite some time, wen this Court showed its disinclination to grant the relief, on instructions, he seeks permission to withdraw the instant Application with liberty to file it afresh after the evidence of informant is completed.*

*Disposed of as withdrawn with liberty as prayed for.”*

5. The Applicant has come back to this Court on the ground that the informant has been not yet examined.

6. I have heard both the sides. Gone through the order passed by the Sessions Court as also the record placed before me. The FIR has been filed by one Yeshudas Alexander D'Cruz stating therein that when he was present in his shop, one person came there and informed him about quarrel with Nelson (Informant's brother). The informant rushed to the house and saw that the Applicant Raju was following Nelson with the knife. The Applicant ran away after seeing the Informant. The Informant noticed that clothes of his brother Nelson were stained with blood. Nelson was removed to the General Hospital, Wardha for treatment. He had sustained stab injuries. The statement of Nelson was also recorded. He has blamed the Applicant for assault with knife.

7. Thus, there are eye-witnesses to the incident. The Sessions Court has noted that there are about 43 cases pending against the Applicant, of which, two cases are lodged under Section 307 of IPC, four cases are lodged under Section 324 of IPC, one case is lodged under section 306 of IPC and five cases are

lodged in respect of committing theft and other cases under Section 66(1)(b), 77(A) of Maharashtra Prohibition Act and also other Sections of IPC. Thus, it appears that the Applicant has regularly indulged into criminal activities.

8. Considering the statement of Informant and Nelson coupled with the injuries sustained by Nelson and criminal antecedents of the Applicant, which he has not disclosed in his Application, I am of the considered view that Applicant's involvement has been, *prima facie*, established. It will be, thus, highly risky to release the Applicant on bail, who may tamper with the prosecution evidence. The Applicant, therefore, failed to make out a case. Criminal Application is rejected accordingly.

(ANIL L. PANSARE, J.)