



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

CRIMINAL APPLICATION (BA) NO. 916 OF 2024

Sachin Ramesh Lahale **Vs** State of Maharashtra and another.

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

Court's or Judge's Order

Ms. M.M. Shesh, counsel for applicant.

Ms. T.H. Udeshi, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 16/10/2024.

1. Learned counsel for applicant seeks leave to delete the name of non-applicant No.2.
2. Permissions is granted to delete the name of non-applicant No.2.
3. The applicant came to be arrested on 14/08/2023, in connection with crime No. 91/2021 registered with Police Station Khandala, Tq. Pusad, District Yavatmal for the offence punishable under Sections 307, 504 and 201 of the Indian Penal Code.
4. The crime is registered on the basis of the report lodged by Sheikh Ibrahim Sheikh Farid, on an allegation that on 27/03/2021, his son had been to the house of Haji Nimadkha Abaskha, at the relevant time, his neighbor, i.e. present applicant, had a quarrel with his son, as the present applicant has abused him. At the relevant time, the present applicant took out the knife and gave a forceful blow on the

abdomen of the injured, due to which he sustained the grievous injuries. On the basis of said report, police have registered the crime against the present applicant.

5. Learned counsel for the applicant submitted that, as far as further incarceration of the applicant is concerned, now the investigation is completed and charge-sheet is filed. The applicant has been behind bar since last one year. Now, there is no apprehension of the death, as he has discharged from the hospital. Thus, considering the investigation is completed and charge-sheet is filed, further incarceration of the applicant is not required, and he be released on bail.

6. Learned APP strongly opposed the said application and submitted that, as far as the merits of the matter is concerned, the statements of the eye witnesses and injured show the involvement of the present applicant in the alleged incident. Moreover, there was a previous NC report filed against the present applicant. The alleged incident has taken place on 27/03/2021. Since the date of the incident, the applicant has been absconding, and finally he was arrested on 14/08/2022. She submitted that, if the applicant / accused is released on bail, he would not be available for the trial, and the trial would be held up.

She further invited my attention towards the nature of the injury, which shows the injury sustained by the injured was penetrating CLW over left Iliac Fossa of approx

size 4x 3 x 3 cm with peritoneum breach obliquely oriented with evisceration of bowel and omentum with visible bowel perforation.

7. She submitted that the nature of the injury itself shows that the gravity of the offence. Considering the fact that the applicant was absconding for more than two and half year, and if he released on bail, he would not be available for trial. In view of that, the application deserves to be rejected.

8. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers, from which the involvement of the present applicant reveals. It further reveals that the injury sustained by the injured demonstrates how much force is used by the present applicant while causing the injury. Thus, the intention of the present applicant reveals from the nature of the injury and the weapon used by the present applicant. There is direct evidence against the present applicant. The most incriminating factor is that the applicant has been absconding since the date of incident, and he was arrested on 14/08/2023.

9. Moreover, considering the ground, that he was absconding since the date of incident. There is substance in the contention of the learned APP that if he is released on bail, he would not be available for trial and the trial will be

held up. In such circumstances, the application deserves to be rejected. Accordingly, I proceed to pass the following:

The criminal application is **rejected** and disposed of.

[URMILA JOSHI-PHALKE, J.]