



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

CRIMINAL APPLICATION (BA) NO.393 OF 2025

(Pravin s/o Rajkamal Moon Vs. The State of Maharashtra thr. PSO Police Station
Bhiwapur, Dist. Nagpur (Gramin))

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

Court's or Judge's orders.

Mr. K. A. Kothari, Advocate for Applicant.
Ms. Mrunal A. Barabde, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 24th APRIL, 2025.

1. Heard.
2. The applicant came to be arrested on 28.10.2024 in connection with Crime No.96/2025 registered with Police Station Bhiwapur, District Nagpur (Gramin) for the offence punishable under Section 109 and 3(5) of the Bhartiya Nyay Sanhita, 2023.
3. Heard learned counsel for the applicant who submitted that the cross complaints are filed by each other regarding the said incident. He further submitted that the allegation against the present applicant is that on 21.02.2025 there was a quarrel and in the said quarrel the present applicant has attempted to press the neck of the informant Vanita Sampatrao Moon and also hit her by means of brick due to which she has sustained the injuries. He submitted that on the basis of the report lodged by the present applicant also the crime is registered against the

informant as well as her family members. Now investigation is already completed, charge-sheet is yet to be filed. The medical certificate shows that the injured has sustained the simple injuries. Mere criminal antecedents are not sufficient to reject the application of the present applicant.

4. Learned APP strongly opposed for the same and submitted that there are two incident and due to the previous incident the alleged incident has taken place. In all seven offences are registered against the present applicant. Thus, he is having criminal antecedents, if he is released on bail he would tamper the prosecution witnesses. In view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that there was a previous dispute between the two families out of that previous dispute the alleged incident has taken place. It further reveals that the injured has sustained the simple injuries, in the cross-complaint also the prosecution witnesses have sustained the injuries. Now investigation is already completed, though charge-sheet is not filed. Further incarceration of the present applicant is not required. Mere criminal antecedent is not sufficient to reject the application of the present applicant. In view of that, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass following order:

ORDER

[a] The criminal application is allowed.

- [b] The applicant – Pravin Rajkamal Moon, shall be released on bail in connection with Crime No.96/2024 registered with Police Station Bhiwapur, District Nagpur (Gramin) for the offence punishable under Section 109 and 3(5) of the Bhartiya Nyay Sanhita, 2023 on executing P.R. bond of Rs.25,000/- with one solvent surety of the like amount.
- [c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- [d] The applicant shall attend the concerned police station till filing of the charge-sheet once in a week i.e. on Monday between 10:00 a.m. to 01:00 p.m. and shall co-operate with the investigating agency.
- [e] The applicant shall not enter into the vicinity of Saigaon, Tahsil Bhiwapur, District Nagpur till culmination of the trial.
- [f] The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.
- [g] The applicant shall not indulge in similar type of the activities and if found the bail granted to the present applicant deserves

to be cancelled.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

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