



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

CRIMINAL APPLICATION (BA) NO. 425 OF 2025

Suraj Shankar Dubey Vs State of Maharashtra

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

Court's or Judge's Order

Mr. R.M.. Daga, counsel for applicant.

Ms. Mrunal Barabde, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 05/05/2025.

1. The applicant came to be arrested on 28/10/2024 in connection with Crime No. 315/2024 registered with Police Station Gadage Nagar, Amravati for the offence punishable under Sections 143, 147, 148, 307, 504, 201 read with Section 149 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of a report lodged by Rajesh Laxinarayan Dube, on an allegation that the present applicant and his family members are residing in his neighbourhood. There is a property dispute between them for a long time, and out of that property dispute on 24/03/2024, he, as well as family members, was assaulted by the present applicant and the other co-accused. As far as the present applicant is concerned, the allegation is that he assaulted on the head of his brother Mangesh by means of an iron pipe, and the other co-accused has given a blow by means of

Axe. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant, who submitted that as far as the role of the present applicant is concerned, it is attributed to the extent that he has assaulted by means of an iron rod. Learned counsel further invited my attention towards the medical certificate and submitted that only the third injury i.e. contusion present over the right shoulder of size 05 cm x 04 cm, irregular, and red and caused by a hard and blunt object, the nature of the injury is simple and is attributed to the present applicant. The query report also shows that only injury No. 3 is possible by the iron pipe. The said iron pipe is seized from the spot of the incident. Regarding the said incident, the cross-complaint is filed by the present applicant, which shows that present applicant has also received the grievous injury in the said incident and has undergone the surgery for the same. Considering the nature of allegation against the present applicant, the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required.

4. The learned APP strongly opposed for the same and submitted that due to the assault, the injured was treated for approximately a month. The injury report substantiates the allegations levelled against the present applicant. The injuries which are caused to the injured

were sufficient to cause death, in view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it is revealed that the injury is attributed to the present applicant due to the assault by the iron pipe. The medical report indicates that only injury no. 3 could have been caused by the said iron pipe, and it appears to be simple in nature. Now, the investigation is already completed and charge-sheet has already been filed, further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- a] The criminal application is allowed.
- b] The applicant – Suraj Shankar Dubey shall be released on bail, in connection with Crime No. 315/2024 registered with Police Station Gadge Nagar, Amravati for the offence punishable under Sections 143, 147, 148, 307, 504, 201 read with Section 149 of the Indian Penal Code, 1860, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c] The applicant shall not enter into the vicinity of Police Station Gadge Nagar, Amravati till culmination of the trial.
 - d] The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.
 - e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
6. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]