



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

CRIMINAL APPLICATION (BA) NO. 513 OF 2025

Sanotsh Bandu Misal 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. M.N. Ali, counsel for applicant.

Mr. C.A. Lokhande, APP for Non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/07/2025.

1. The applicant came to be arrested on 07/10/2024 in connection with Crime No. 319/2024 registered with Police Station Lonar, District Buldhana for the offence punishable under Sections 109(1), 352, 351(2), 3(5) of the Bharitya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of a report lodged by Sachin Ramkrushna Shedute, on an allegation that he runs a shop of cold drinks, and his brother was on the shop on the day of incident. One unknown person came at about 9.10 p.m and asked for the water bottle; on demanding the money, he was abused, and thereafter, the present applicant and other co-accused came on a motorcycle, assaulted his brother by means of a knife, and thereafter fled away from the spot of incident. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that though it is alleged that the present applicant has given repeated blows, only two injuries were caused on the person of the injured. One injury is simple, as far as the second injury is concerned, the CT scan report nowhere shows any abnormality or the gravity of the offence. Now, the investigation is already completed, and charge-sheet is already filed, in view of that, the applicant be released on bail.

4. Learned APP strongly opposed for the said application and submitted that there are eight offences are registered against the present applicant of a similar nature. Considering the circumstance that applicant is a habitual offender, if he is released on bail, there is every apprehension of committal of similar type of offences. In view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it reveals that the statement of the informant/injured shows the involvement of the present applicant. There are criminal antecedents against the present applicant but by way of punishment, the applicant cannot be kept behind bar. Admittedly, the medical certificate shows that one injury is simple, as far as the other injury is concerned, the CT scan nowhere shows any abnormality. Thus considering now, the investigation is completed and the charge sheet is filed, further incarceration of the applicant is not

required. In view of that, the application deserves to be allowed. At the same time, considering eight offences are registered against the present applicant, some stern conditions are required to be imposed on the present applicant. In view of that, I proceed to pass the following order.

ORDER

- a] Criminal application is **allowed**.
- b] The applicant -***Santosh Bandu Misal***, shall be released on bail in connection with Crime No. 319/2024 registered with Police Station Lonar, District Buldhana for the offence punishable under Sections 109(1), 352, 351(2), 3(5) of the Bharitya Nyaya Sanhita, 2023, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount
- c] The applicant shall attend the concerned police station twice in a month i.e. on 1st and 15 of every month till culmination of the trial.
- d] The applicant shall not indulge in similar type of the activities.
- e] A single registration of the FIR would lead cancellation of bail.

- f] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- g] The applicant shall not enter into the vicinity of village Lonar, Tahsil Lonar till culmination of the trial.

Criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]